

L E T T E R S

LATELY PUBLISHED IN

The D I A R Y,

ON THE SUBJECT OF

The present Dispute with Spain.

UNDER THE SIGNATURE OF

V E R U S.

L O N D O N :

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To the PUBLIC.

TO repel slander and to confute calumny---to support the cause of truth, and to hold up to public scorn the detected efforts of falsehood---these I hold to be the duties of every one, whose leisure or whose talents qualify him for such a task. If such be the obligations in the ordinary concerns of life---if to fail in these be an offence against the good order and security of society----the necessity of acting up to this rule becomes doubly strong, when the interests the State, not those of individuals are

are at stake; when the arrows of falsehood are levelled at our country; when the Liberty of the Press is abused for the purposes of supporting against us the cause of our opponents. Actuated by these principles, and filled with indignation at the base and libellous attempts which have been so long made to support the cause of Spain against this country, I hesitated not to assert the justice of the contest in which we are at present engaged, and, by a fair statement of the British claims, joined to a just analysis of the conduct of our Ministers, to convince the Publick of the validity of our pretensions, and of the daring arts which a disappointed faction can employ, to overturn a Government which they have
not

not been thought worthy to conduct. Such having been my motives, (whatever the merit of the following Letters may be) I cannot with propriety decline the proposal which has been made to me of collecting them together into one point of view, and of submitting them in the form of a pamphlet to the Publick. By doing this, I act in the fairest manner by my opponents. The grounds of my arguments, before dispersed in various papers, and now collected together, may more readily be appreciated, and every one will be enabled to determine, whether my propositions or those of the Spanish Advocate are founded in truth.-----If it be objected to me that I withhold myself from public view, and
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that I re-publish these Letters under a borrowed signature, I have only to say, that the cause of truth needs not the support of any name. I do not hold the disclosure of mine to be essential in a discussion of this nature. I glory however too much in the object of my labor, to be particularly anxious to conceal such a circumstance. If, therefore, my opponents are equally conscious of the integrity of their cause, and will boldly set their names to their performances, mine shall no longer remain a secret. 'Till then I remain

V E R U S.

L E T T E R S.

N U M B E R I.

S I R,

ALTHOUGH little desirous of embarking as a Disputant in the Ocean of Politics, and averse from principle to agitate great Public Questions, when the interests of this country are in Negotiation, and when the conduct of Ministers cannot, of course, be the fair object either of Crimination or of Applause, I am induced, on several accounts, to desire you to insert in your Paper the following Reflections, which have occurred to me on the perusal of the "Strictures on the Spanish Declaration," lately published in the General Advertiser; a performance not unmeritorious in point of style and manner, however deficient it may be in the valuable ingredients of Candor, Impartiality, and Truth.

As every Englishman has an interest in the welfare of his country---the national honour being a collective mass, formed from the individual honor of the people---and, as upon that honor is founded the well-being, not only of the State, but of those who compose it: it has ever been the inherent right of Englishmen, to watch over the conduct of those to whom the pleasure

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of the Sovereign has delegated the important trust of directing Public Affairs. As a consequence of this right, no Englishman can be denied the privilege of communicating to his fellow-subjects his sentiments on those affairs, and on the conduct of those intrusted with their management; provided he exercises this privilege with decency, and does not exceed the line of candor and fair representation; a line traced out, not less by good sense, than by those considerations which ought to actuate every one who is interested for the welfare of his country. This I hold to be his indisputable right, and he who does it with fairness---who endeavours by the statement of facts to detect falsehood---who labors by argument and sound reason to remove the veil of error---and who does not, under the pretence of all this, endeavour by sophism, misrepresentation, or direct untruths, to mislead that people whom he professes to instruct---such a one, Sir, I hold to be the friend of his country, and deserving of the thanks of every one to whom his country is dear.

Would to God, Sir, that I were able to class under this head of friends to his country, that person, whoever he may be, who, in the daily paper I have alluded to, has for some time past *earnestly requested the publick to attend to his strictures on the Spanish Declaration.*

Had he either represented facts with fairness, or reasoned on the facts he has stated with common candour---had he not grossly misrepresented Both the cases which he has thought proper to bring into comparison---had he not endeavoured, at the expence of truth, to traduce the well earned fame of that Minister, who stands high in the confidence

dence and esteem both of his Sovereign and his fellow-subjects, because he has served them with a fidelity only equalled by his unrivalled talents---had he not chosen, for such a purpose, the moment of all others the most sacred to the real Patriot---the moment of negotiation---when the interests of his country are at stake, and when its credit, on which the success of that Negotiation must mainly depend, ought not to be shaken by misrepresentation, and factious arts---had he not done all this, I should not have thought it necessary to address my fellow-countrymen through your channel. Feeling, as I do, the importance of the business at present in discussion, and having endeavoured to inform myself of those facts, which have come within the knowledge of the publick since the first notification of our dispute with Spain, as well as of those which occurred on the Falkland Island affair, in the years 1770 and 1771, I pledge myself to you, and to the publick, fairly and dispassionately to meet the strictures above-mentioned, and to prove the fallacy, insufficiency, and misrepresentations, with which they are replete. Who the writer of them may be I know not. Of personal views, therefore, I cannot be suspected. As an Englishman, however, it is my duty to prevent my fellow-subjects from being deceived; and I rejoice in thinking that, to do this, Truth and fair Argument will be sufficient.

I am, Sir,

Your most obedient,

Humble Servant,

V E R U S.

NUMBER II.

S I R,

IN pursuance of the promise I made of discussing the " Strictures on the Spanish Declaration," referred to in my first Letter, and of proving the fallacy and misrepresentations with which they are replete, I now sit down to address you. Let the publick, whom the author of those Strictures has endeavoured to mislead, determine between us. Before that Tribunal, never wrong in its ultimate decision, though sometimes biased for a moment by the insidious arts of faction, I willingly stand forward, on the ground of no information which any observing man in this country does not possess equally with myself, and ready to advance my proofs of the gross misrepresentation which that writer has thought proper to impose upon the world.

This gentleman sets out by drawing the attention of the publick to a comparison between the affair of the Falkland's Islands and the present dispute with Spain ; and he observes, that *our claim is much stronger on the present occasion, while the conduct of Ministers has been much more reprehensible, and the Declaration, which they have obtained, much weaker.*

These two propositions he takes as the basis of his argument ; and undoubtedly he could not have selected any thing so likely to answer the purposes, of diminishing the confidence of the publick in those, to whom his Majesty has thought proper to delegate the charge of the Government, or of encouraging our enemies to take advantage of a
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circumstance so much to be wished for by them, had he been so fortunate as to prove either of these assertions, by any thing like fair argument or conclusive evidence. I trust, however, Sir, that it will not be a difficult task to prove, that both these propositions are founded on gross misrepresentation; that the claim of this country, strong as it undoubtedly is, is *not* stronger on the present occasion than it was in the year 1771; that the conduct of our Ministers is *not* more reprehensible *now* than the conduct of Ministers was *then*; and that the Declaration which they have obtained is *not* weaker than that obtained at the former period; the truth indeed being precisely the reverse, in every one of these instances, of what the writer of these Strictures has been pleased to advance.

This, Sir, is the proposition I have undertaken to prove. In doing so, I will give my opponent every possible advantage, by stating distinctly and separately his own assertions, and by replying in the same manner to each of them. Should the result of calm investigation be a conviction in the minds of the publick, that the assertions are unfounded, that the facts are misrepresented, and that the deductions are not warranted by the premises, I shall have performed my promise, and have exposed to my countrymen a part of those insidious arts, which a discontented, because a disappointed, Faction has employed to traduce the Executive Government of our country, and to impede the operation of those wise and vigorous Counsels, which have made us admired and respected abroad, while they have raised us to a pitch of security, wealth, and happiness at home, unknown to any former period.

V E R U S.

NUMBER III.

SIR,

THE first assertion, which the author of the *Strictures* brings forward in support of his propositions, is this---

“ In the affair of Falkland’s Islands, it was an undisputed fact, that we were not the first settlers; which is now thought the most important point in the question of right.”

As a proof of this assertion it is said, that the French had made a prior settlement in those islands, which they gave up to the Spaniards, years before the dispute between England and Spain; and that the fact of *priority in the discovery* of those islands were disputed: Whereas, in the affair of Nootka Sound, it is an undisputed fact, that no settlement existed there before ours; but that the priority of the discovery seems to be now, as it was then, disputed.

The answer to this proposition depends upon matter of fact.

In the year 1764, Commodore Byron was sent out by Government for the purpose of making a settlement in the Falkland’s Islands. He arrived at his destination early in the year following; and *establishing* himself at a place to which he gave the name of Port Egmont, in the most westerly of those islands, he took possession in the name of his Britannick Majesty in the usual manner. He erected a fort with four pieces of cannon. A large quantity of Government stores was deposited there; the British flag was hoisted, and two King’s ships were appointed to that station.

About

About the same period, M. de Bougainville sailed from France, on a private enterprize, without any support from Government, for the purpose of forming a settlement in the Falkland's Islands. Having done this by the assistance of some Acadian families, he built a fort in the eastermost of those islands, which he called Port Louis, and hoisted the French flag.

Such was the nature of the two establishments; the one, a national concern, executed by royal authority, and becoming the station of King's ships; the other, an individual enterprize, encouraged possibly, but certainly not supported, by the executive power of the country. The settlements were also perfectly distinct; for they were on different islands, at the distance of some hundred miles from each other; with so little communication, that, extraordinary as such a circumstance may appear, the English and French continued for more than four years mutually ignorant of the formation of these rival establishments.

The two settlements were not only on *different* islands, but they were on islands to which neither country *had, or could pretend to have, any thing like a prior or exclusive right*. I say this on a conviction, that no right but that of *actual possession* or *prior occupancy*, can amount to an exclusion of other nations; and in this case, no such prior occupancy could be arrogated either by England or France. On the ground indeed of prior discovery, the right of England must have been indisputable; for it is, beyond contradiction, that these islands were originally discovered by English navigators more than two centuries ago. This, however, is a species of claim too absurd to be depended

depended upon in these days ; and, in the case of the Falkland's Islands, it was unnecessary, as the circumstance of their having been unoccupied before the settlement in question was formed, gave the first settlers a clear and undisputed title against the whole world.

It follows from this, that *both settlements were valid so far as the territory occupied extended*. It would indeed be an extravagant proposition to affirm, that the possession of one island necessarily induces the possession of every island in its neighbourhood ; as the obvious consequence must be, that the first occupier of any of the Caribee Islands must have had an exclusive right to them all ; whereas they have been acknowledged as the undisputed property of various European nations ; and the argument would hold equally good when applied to a continent, and would admit the exclusive right of any nation, who had first settled on the sea-coast, to the whole territory in every direction. This is a kind of argument which even the Spaniards, of all others the most ready to advance exclusive claims, never dreamt of maintaining ; as appears from the various settlements formed by other European nations in other parts of North and South America. And yet, without such an argument as this, it is not possible to establish the proposition in question, namely, that the French, by forming a settlement in one of the Falkland's islands, acquired a dominion over them all ; and that such a right, so acquired, was transferred by them to the Spaniards.

The fact was, that England was intitled to the sovereignty of Port Egmont Island, and France to that of Solidad or Port Louis ; and the

the right of each to their respective settlements was clear, indisputable and exclusive. On this ground, the claim of England was limited in the negotiation "to the Port and Fort of Egmont," while Spain confessed that claim, by giving orders for the delivering of it up to his Majesty's Officer. Why the English Ministry of that day immediately afterwards abandoned this principle, or why they amused the publick by a pretended recovery of a settlement which they had determined (nay probably had secretly engaged) shortly to abandon, is a different question, and will more properly come under my discussion at a future period.

It is evident, therefore, that the assertion in question, viz. *That we were not the First Settlers*; is either fallacious or unfounded; fallacious, if applied to all the Falkland's Islands----unfounded, if applied to Port Egmont. In this latter place we were, upon every principle of the Law of Nations, and upon the established usage in all similar cases, *the First Settlers*; we had the exclusive right to that establishment, and to the island on which it was situated. Nor did the subsequent cession of the French settlement to the Spaniards in the year 1766, in any degree diminish the right of the English. Spain had no kind of original pretensions (for it never was even insinuated that she had made an establishment there) and could derive no more from the French than they had to bestow. What this was had been seen. The Spaniards therefore stood exactly in their place; but could not, by any mode of reasoning, acquire a title, which did not belong to those from whom their settlement itself was derived.

Let us now consider the nature of our establishment at Nootka.

May 20 1792
Some private English Adventurers, having fitted out some vessels on a speculation of the advantages which might be derived from a new branch of trade in the Pacific Ocean, formed an association with other persons of the same description, who had obtained a licence to trade from the East India and South Sea Companies. Finding that the furs on the North West Coast of America were valuable and easy to be procured in large quantities, they purchased of the natives a tract of country ; of which having taken possession in the name of his Majesty, they built upon it and hoisted the British Flag.

That this, on the principle I have mentioned, gave them an undoubted title to the place in question, is beyond dispute.

As the first occupants, they had a just right to the lands on which they were thus established. This would become a national right, whenever it should please his Majesty to adopt the undertaking, and take it into his own protection. Had the writer of the Strictures been satisfied with asserting this fact, it would have been unnecessary for me to have troubled you on the subject ; as his Majesty's Ministers have not only all along said exactly the same thing, but have actually taken this principle as the basis both of the negotiation for peace and their preparation for war, as appears by his Majesty's Message to Parliament. To have stopt here, however, would not have answered that Writer's purpose of misleading the public ; the natural deductions from the assertion being, that the King and his Ministers have vindicated, in

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the most spirited manner, the Rights of the Crown and of the People, and that they have not suffered even the most remote and the most inconsiderable of the subjects of this Kingdom to be injured, without exacting from the aggressor an adequate redress. He therefore finds himself obliged to distort the truth of the transaction, and to attempt to mislead the world into a belief, that the kind of distinction he mentions exists between the nature of the two settlements. Such an attempt nothing certainly but the grossest spirit of misrepresentation could have suggested, and no informed man, untinctured by the credulity of faction, can possibly agree to the conclusion he draws. That a distinction between the two cases *does* exist is indeed certain ; but it goes only to prove that, of two settlements formed by British subjects, the one was a private, individual, concern, the other a Royal and national undertaking ; that at Nootka, the settlement was formed by unknown adventurers, so far from being specially protected by Government, as to be totally unheard of, till brought into notice by the violent act of the Spaniards, and adopted by his Majesty, who took them into his protection ; while, on the other hand, the settlement at Falkland's Island was a public transaction, executed by authority of Government, paid for by the People of England, and immediately under the protection of his Majesty's ships of war.

V E R U S.

NUMBER IV.

S I R,

HAVING exposed the fallacy and misrepresentation of the first assertion advanced by the Writer of the *Strictures*, I now proceed to an examination of his second assertion, which I trust the Public will, when fairly stated, consider as equally unfounded with the former. The proposition is this---

"In the dispute relative to the Falkland's Islands, *we certainly were the first aggressors*, though we did not proceed to any actual hostility: Whereas in the dispute about Nootka, Spain is confessedly the aggressor."

To prove this, we are told that, "Captain Hunt, who commanded at Port Egmont, falling in with a Spanish schooner *on a cruise*, warned the Spaniards to depart from that coast, as belonging to the Crown of England:" that "*a similar message was sent to the Spanish Governor of Port Trinidad*;" and that "the sole dominion of his Majesty to the Islands was asserted."

That, in the present dispute, Spain is confessedly the aggressor, is a proposition, which I do not mean in any manner to controvert. I deny however that, in the year 1771, *We* were the *first aggressors*. On the contrary, I affirm that Spain was *then* the *first aggressor*, and that her aggression *then* was more *atrocious* and more *insulting to our national honour*, than any thing which occurred in the late affair at Nootka.

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The first of these assertions I mean to prove in this letter ; the second will form the subject of my next, when I enter on the discussion of the third assertion advanced by this Writer.

A recourse to matter of fact will also, on this occasion, be the properest answer both to the assertion, and to the evidence on which it is founded.

On the 28th of November, 1769, Captain Hunt of the Tamar Frigate, who was stationed at Port Egmont by Royal Authority, fell in with a Spanish schooner, belonging to Port Solidad, which was not *cruising*, as this Writer affirms, but was actually *taking a survey of the Coast settled by the English* ; which in fact was making a *claim upon the island*, and in an *offensive* manner.

Captain Hunt, like an active and diligent officer, and in obedience to the orders he had received, warned the Spanish Captain to depart from that coast, as belonging to his Majesty.

On the principles laid down in my preceding letter, it evidently appears, that, so far from this being an *aggression* on our part, it was nothing more than what was *absolutely necessary* for the *maintenance of our right*, and for *repelling an offensive claim*. We had the exclusive right to Port Egmont, and to the territory of the island on which it was situated ; and, of course, the conduct of the Spanish Officer was unjustifiable on the plainest principles of the Law of Nations, which forbids such an enterprise, and which permits the punishment of any one who presumes to undertake it. The *aggression* therefore was on the *part of Spain* ; and the notice taken of it by Captain Hunt was as temperate, as was at all consistent either with his duty, or with the honour
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and interest of the Crown, under whose Commission he acted.

Had such a circumstance happened on the coast of England, there can be no doubt that the Foreign Officer, detected in such an enterprize, would have been liable to have been imprisoned, and to be brought to punishment for his offence; and, unless the Writer of the Strictures can shew, that a distinction in point of Sovereignty, and the right to maintain and protect that Sovereignty, exists between the coast of England and the coast of any other part of his Majesty's dominions, the principle I have laid down must be admitted, and the first aggression on the part of the Spaniards must necessarily follow as a fair conclusion from it.

Let us see whether the following steps which were taken, in any respect altered the complexion of the business.

Within a few days after the Spanish schooner was warned to depart, she returned with a *Spanish Officer*, who brought letters from the *Governor of Port Solidad*,

In these, the Governor, affecting not to believe the account he had received from the Captain of the schooner, and attributing Captain Hunt's being in those seas to chance or distress of weather, offered him, in that case, his friendship and assistance; but, *if it should be otherwise*, reminded him of the *violation of treaties*; asserted *his master's dominion*; charged him with an *insult to his flag*, and *authorised the officer to warn him in form to depart*. To this he required a written answer.

Captain Hunt replied by asserting again the sole dominion of his Majesty, on the double
right

right of discovery and of settlement, and by warning the Spaniard, in the King's name, to quit the island. On which the Spanish officer made a formal protest. This was repeated about two months afterwards in a more solemn manner ; when Captain Hunt again asserted his Majesty's right, and again warned the Spaniards to depart.

In this transaction, the aggression of the Spaniards is yet more manifest. Here we have a direct assertion of the Spanish dominion over Port Egmont ; a declaration that an insult had been offered to the Spanish flag, by a king's ship, acting under royal authority ; and a positive injunction from the Spanish Governor to surrender his Majesty's settlement. To all this, Captain Hunt replied by a declaration of his Majesty's right to the territory in question, and by a warning to the Spanish officer to depart. Yet, this the writer of the *Strictures* is pleased to call a *first aggression on our part*.

The subsequent transactions at Port Egmont, though they most evidently prove that, throughout the whole affair, the Spaniards were the *sole* aggressors, and, of course, still more decidedly evince the groundless nature of the assertion in question, are not necessary to be stated at present ; as an account of them will fall more naturally within the scope of my second proposition, namely, that the aggression of Spain in 1771, was more *atrocious* and more *insulting to our national honour* than any thing which occurred in the late affair at Nootka. The public will determine on the candid statement of the transaction which I have now given ; and to its cool judgment I willingly refer ; and I believe no man of common sense will deny that the assertion of our
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having been the *first aggressors* in the year 1771, is totally void of foundation. Of course, the insidious comparison this writer attempts to make between that affair and the business at Nootka, must fall to the ground: for, *in both cases*, the Spaniards were the first aggressors; *in both cases*, the honour of this country was insulted; but, in the affair of Falkland's Islands, *the insult was proportionably greater*, as the open possession of the crown of Great Britain, publickly maintained for several years, was invaded; while at Nootka Sound, the possession of his Majesty's subjects, which had not been previously avowed, and which was then unknown at the seat of Government, was the object of the attack. This fact being clearly ascertained, I trust that the attempt now made to misrepresent the conduct of his Majesty's Ministers by an unfair statement of a plain matter of fact, instead of answering the purposes of its fabricator, must tend to open the eyes of a discerning publick to the insidious arts employed by a designing faction, to impede the operations of Government, to increase the confidence of our enemies, and to deceive the people.

V E R U S.

N U M B E R

NUMBER V.

S I R,

I NOW proceed to discuss the third assertion of the writer of the *Strictures*, which contains a variety of circumstances very ingeniously tortured and misrepresented, for the purpose of proving that the insult offered by the Spaniards in 1770 was not so injurious to the honour of this country, as that offered by them in the affair at Nootka. As this is a question of fact, it might be sufficient for me to prove that it is unfairly stated, and that no such consequence can be deduced from a comparison of the two transactions. The cause however in which I have engaged disdains so circumscribed a vindication. I have taken up the gauntlet thus arrogantly thrown down; I have entered the lists with this bold adversary, and, before we part, I will prove to the people of England that Spain, in the affair of Falkland's Islands, was not only the *first* but the *sole aggressor*; and that her aggression *then* was more *atrocious* and *more insulting to our national honour* than any thing which occurred in the late affair at Nootka. When I shall have done that, my next step will be to overturn the remaining *branch* of this writer's original proposition, and to prove the propriety, the wisdom, and the spirit of the steps, which our Ministers have taken in the existing dispute, whether considered as a separate transaction, or as contrasted with the conduct of Ministers in 1771.

The assertion in question is this——

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“ In the affair of Falkland’s Islands, the Spaniards gave all our people permission to depart, and to convey away all the stores, and other property, which the ships could carry. Inventories were exchanged, of all things which could not be so carried away ; and for these the Spanish Governor of Port Trinidad was to become answerable. Till these inventories could be regularly drawn out, every thing was to be kept under lock and key by the English. *The principal circumstance offensive to the honour of this country, and which the Lords Protest calls an unparalleled and most audacious insult, was the detention of a ship of war of his Majesty’s for twenty days after the surrender of Port Egmont, and the indignity of forcibly taking away her rudder. Yet both of these acts were done under the capitulation accepted by our officers.*”

“ Whereas the Spaniards now have seized every thing, by the confession of their own declaration, dated from Aranjuez on the 4th June. They have condemned and confiscated one of our vessels, the Argonaut, and have taken security from another, to pay the full value, if declared lawful prize. It is also said, that the crew of the Argonaut were sentenced to slavery in the Mines.”

A recurrence to matter of fact will also here be an answer to the assertion, and to the evidence brought in support of it.

After the transactions stated in my preceding letter, Captain Hunt returned home; and his Majesty’s sloops, the Favourite, Captain Maltby, and the Swift, Captain Farmer, were employed upon that station. The latter of these vessels being unfortunately lost, Captain Farmer remained

remained at Port Egmont with the Favourite.

In the month of June following, five Spanish frigates arrived at Port Egmont, carrying 134 pieces of cannon, a train of artillery, and about 1700 men.

Captain Maltby endeavouring on their appearance to bring the Favourite nearer into the Cove, the Spanish Ambassador sent an officer on board him, to say that, if he weighed, *he would fire into him.*

He got under sail however, when the Spaniard immediately *fired two shots*, which fell to leeward of him, and three of the frigates got under way, and worked to windward as he did.

The Spanish Commander then wrote to Captain Maltby, requesting him to consider the great power employed against him, and the defenceless condition of his own people; and advising him to quit the place, in order to avoid the consequences of hostilities. He offered him favourable terms if he would abandon the place, but threatened, that if, contrary to expectation, he should endeavour to maintain the settlement, he then would proceed to the accomplishment of his orders; *that he would attack him and his settlement by sea and land, when all the fatal consequences by fire and sword might be apprehended. He allowed him fifteen minutes, after the receipt of his letter, to give a categorical answer.*

Captain Maltby replied, *by representing the unjustifiable nature of such a proceeding, and by declaring his intention of defending the charge intrusted to him.*

The Spaniards immediately warped their frigates in close to the shore, landed their troops

and artillery, and *cannonaded the fort*. On which, Captain Maltby, after firing a few shot, hung out a flag of truce, and demanded articles of capitulation.

By these it was agreed that, at a time discretionary on the part of the Spanish Commodore, the English should be permitted to depart in the *Favourite*, with such part of the stores as they could conveniently carry; that, an inventory having been taken of the remainder, they should be deposited with the Governor of Solidad, who should be answerable for them; that the English flag should continue flying on shore and on board the sloop; that the English should exercise no jurisdiction except with their own people; and that they should march off, on their embarkation, with the honours of war, after having given due notice to the Spanish commander.

The Spaniards having thus got possession of the settlement, *immediately unshipped the rudder of the Favourite, which they kept on shore for thirty-four days*, the period which elapsed before Capt. Maltby sailed for England.

Such is the *true* story. Let the reader contrast it with that told by the writer of the *Structures*. *I undertook to prove*, that the Spaniards were the *sole* aggressors. *I have proved* that they came in great force upon the coast; that they threatened to fire into Capt. Maltby's ship if he presumed to move; that, on his moving, they actually did fire, and attempted to pursue him; that they summoned him to surrender, on pain of all the fatal consequences to be apprehended from fire and sword; that they invested and cannonaded the fort; that they took it on articles of capitulation, which they shamefully and insultingly

insultingly disregarded by a treatment of one of his Majesty's ships, so degrading to the honour of this country, and so derogatory from the dignity of our King, as to demand a satisfaction written in letters of blood, and not to be atoned for by any thing short of a submission, as humiliating and as cutting in its nature to the Spanish crown, as the insult offered by them was to the honour of England. Having thus *proved* the first part of what I undertook, I now proceed to contrast this narrative with the conduct of the Spaniards in the late affair at Nootka; and to satisfy the public that their aggression at that place, though violent, unjustifiable and insulting, was neither so atrocious, nor so insulting to our national honour, as that committed by them in the year 1770.

The length to which this letter is already carried renders it, however, necessary for me to postpone this till my next, when I hope to be able to convince the public of the essential difference subsisting between the two transactions. I ought perhaps to apologize for encroaching so much on your patience and that of your readers; but, as it is my object to convey to the world a just and true statement, not only of the depending business, but of the conduct of those to whom the management of it has been entrusted---as it is my wish to counteract the insidious arts of those, who, by depreciating the merits of his Majesty's servants, and by misrepresenting the steps they have taken for the maintenance of the honour of his Crown, and the interests of his people, endeavour to tarnish the well-earned fame, and to encourage the efforts of our enemies, I trust, Sir, that the people of England will not deem those moments mispent,
which

which are employed in a research so congenial to the feelings, and so intimately connected with the interests of every man, who has either property to lose, or honour to maintain.

V E R U S.

P. S. I have just seen in the General Advertiser of the 25th instant, a continuation of these strictures, containing a fresh comparison between the conduct of our Ministers in the depending business, and that of the year 1786, when the Convention respecting the Mosquito Shore was concluded between this country and Spain.

The writer may be assured of my meeting him upon this ground also before we part. He has now completely thrown off the mask, and manifested himself in his real shape,---*the avowed advocate of the Court of Spain, and the enemy, not only of the present administration, but of his country.* As such, it is no less my duty than my inclination to pursue him through all his fallacies, and to expose the shallow but mischievous arts which faction can employ against the honour and the interest of our country.

NUMBER VI.

S I R,

HAVING, in my last letter stated what passed at Port Egmont, I now proceed to relate the several occurrences which took place at Nootka Sound, in the months of May and June 1789, when a Spanish ship of war from St. Blas, called the *Princessa*, commanded by M. Martinez, and mounting 26 guns, anchored there. The various avocations of trade having led the greater part of the persons employed at this Settlement to different parts of the Coast, the only English trading ship remaining in the Sound was the *Iphigenia*. The *Princessa* was soon joined by a Spanish snow of 16 guns; and, for some time, mutual civilities passed between the Spaniards and English. These, however, were at length interrupted, by Capt. Douglas (the Commander of the *Iphigenia*) being ordered on board of the *Princessa*; when he was informed, by M. Martinez, that he had the King of Spain's orders to seize all vessels which he might find upon that Coast, and that he (Capt. Douglas) was his prisoner. In consequence of this, M. Martinez took possession of the *Iphigenia* in the name of his Catholic Majesty, and conveyed the crew prisoners on board the Spanish ships, where they were ironed. M. Martinez also took possession of the settlement---hoisted the Spanish flag---and proceeded to erect various buildings, on which he employed, together with his own men, some of the crew of the *Iphigenia*. He afterwards

afterwards permitted Captain Douglas to resume the command of his ship ; and, on his representing, that he had been stripped of his merchandize and other stores, M. Martinez gave him a small supply of stores and provisions, (for which he took bills on the owners) by means of which about a fortnight after he was first detained, he was unable to proceed to China.

Shortly afterwards, the English vessels, the North West America, the Argonaut, and the Princess Royal, arriving separately from their trading voyages at Nootka, were captured by M. Martinez, their crews were made prisoners, and their cargoes seized. After some detention, the crew of the North West America were sent to China, the two other vessels, with their crews, were sent to St. Blas, and some Chinese, who had been brought to the Settlement by our people, were detained and employed as labourers.

Of the North West America, sent to China, no authentick account has been received ; but, on the arrival of the two vessels at St. Blas, a representation of their case having been made to the Spanish Governor, the ships were restored (on the Officers giving security to indemnify the Governor, should it be proved they were lawful prize) the crews were furnished with provisions, stores, and money, to enable them to resume their voyage.

Let us now contrast this transaction with that which occurred in the year 1770.

The Settlement at Port Egmont was formed by the authority of Government, and at the public expence, on an Island never previously occupied, not only by any European, but by any human being. Of course, as first occupants,

taking an actual possession of the soil, converting it to our own use, and enjoying it uninterruptedly as well as publickly, for more than five years, we had the best title of all others to its exclusive property---a title which could not, on any principle of law, or by any mode of reasoning, be disputed. *His Majesty was as completely Sovereign of that Island, as he was of England, or any other of his possessions*; and he had not only a right, but he was bound to defend that part of his dominions against any hostile attack made upon it.

The Settlement at Nootka was formed by private individuals. The plan---the outfit---the risk---the expence---the enterprize, and the taking possession, were all those of private individuals. Neither the King, nor the publick, knew of the transaction in any one stage of it, till, as I have mentioned, the violence committed by the Spaniards, brought it into notice.

There is also another obvious distinction in the nature of the two cases. At Port Egmont, the right of England was certain, avowed and exclusive, the Court of France never having disputed the fact of our prior occupancy in that Island, and Spain having clearly never made any settlement on any of the islands. At Nootka, it was, on the principles I have laid down, equally exclusive; but, as it had not been avowed, and as the Court of Spain advanced a pretension of prior settlement, until that point should be ascertained, it could not, as a matter between the two countries, be pronounced equally certain. Consequently, the aggression at Nootka could not be considered as so great a national insult as that at Port Egmont, tho' undoubtedly it was an act perfectly unjustifiable, and an aggression of a most violent and injurious nature.

This argument applies equally to the other objects of the Spanish aggression in the two cases, viz. the buildings, the ships, the stores, the officers and the seamen. In 1770, the former of these were the property of the crown, the latter bore the King's commission, and acted by his authority. In 1789, the former were the property of individuals, and the latter had no commission from the crown, nor acted under any orders but those of their owners.

There is another obvious distinction between the *modes of aggression* in the two cases. In 1770 the aggression of the Spaniards was a declaration of war, both in fact and in form. *The sole and avowed purpose* of it was to take the settlement; and this was actually done with all the pomp and parade of war, with all the circumstances of siege, summons, surrender and capitulation. In 1789 the avowed purpose of the aggression was to prevent contraband trade; and their alledged right to do so was founded on their interpretation of treaties, and on a pretension of prior settlement. They even denied any knowledge of the existence of our settlement, previous to the arrival of M. Martinez at Nootka; and, from some circumstances, it is *possible* that assertion may be true. It is however certain, that the orders given to M. Martinez did not warrant the conduct he adopted, and that they gave him no licence either for the robbery or the cruelty of which he was guilty: the Court of Madrid, immediately on the news reaching Spain, having *disavowed* his conduct in that respect, and directed him to be brought to trial for his offence, *before any application was made upon the business from our Court.*

But

But there yet remains one point in the Port Egmont affair, on which no comparison can be made, as nothing at all like it occurred at Nootka. I mean the circumstance of unshipping the rudder of his Majesty's ship the Favourite, and compelling her to continue in that disgraceful situation for thirty four days. Were there no other difference between the two cases, and I have shewn there were many, this alone would fix their distinction.

Upon the whole, I have proved beyond contradiction, that the insult committed at Port Egmont was much greater than that at Nootka; and that, though the latter was undoubtedly gross and unjustifiable, the former was much more so.

I now proceed to a comparative investigation of the conduct of Ministers at those two periods; in the course of which I trust I shall be able very sufficiently to prove, that the satisfaction now obtained is more complete than that which was procured in 1771, and that the conduct of Administration has been such, as to entitle them to the approbation and confidence of the public.

V E R U S.

NUMBER VII.

S I R,

THE writer of the Strictures on the Spanish Declaration, having finished his comparison of the settlements and the aggressions in the years 1770 and 1789, proceeds to lay before the Public a comparative statement of the conduct of Ministers at those two periods; with a view of proving the inferiority of the present Administration, in spirit, in wisdom, and in the satisfaction they have obtained for the insult offered to the national honour. To do this he asserts that, "in the years 1770 and 1771, the complaint against Ministers was, that they did not instantly make preparations for war, when they were first acquainted with the messages which had passed between Capt. Hunt and the Spanish Governor: but that they waited three months longer, 'till they knew that the blow was actually struck. They then immediately exerted themselves with a vigour, which was the subject of much panegyrick to their friends, and was not denied by their adversaries. Whereas in the present year, Ministers were informed so early as the tenth of February that the blow was actually struck; yet they made no preparations for three months afterwards---'till the 4th of May, when they heard that considerable armaments were carrying on in the ports of Spain. In the mean time, on the 19th of April, Mr. Pitt gave such assurances of peace, as made the stocks rise to 81."

I should suppose, that, if this kind of comparison means any thing, it must mean that the Ministers in 1770, though they acted *wrongly* in not arming at the first notice of the dispute, acted nevertheless *very properly* in their subsequent exertion. It may however be a difficult matter to reconcile this kind of reasoning with what I have already commented upon, and which was the basis of the comparison between the two transactions; namely, that at Falkland's Islands *we were the first aggressors*. If that had been true, we surely could have no right to any satisfaction at all; the Ministers had no pretence to demand any, or to make any warlike preparations, unless indeed to justify the wrong we had committed; a mode of conduct which even my opponent must have confessed to be indefensible: on the contrary, had we been the aggressors at Falkland's Islands, this country ought to have given satisfaction to Spain. The fact is, that the Writer of the *Strictures*, having a desperate cause to support, was obliged to bring forward such assertions, as he was able to fabricate for his momentary purpose of traducing government; and, as truth is ever the same, and incapable of taking a colour foreign from itself, so the opposite of that virtue is very apt to lead him who employs it, into contradiction and absurdity. That such is the case of the writer of the *Strictures* on the present occasion is evident; and the choice of his two propositions is but a choice of difficulties. If he persists in asserting our first aggression, then he must give up the propriety of our subsequent armament for the purpose of obtaining satisfaction, as well as the whole of Lord Chatham's argument on that occasion, which he properly terms convincing

vincing and unanswerable ; if, on the other hand, he admits that the Spaniards were the first aggressors, he must grant, on his own principles stated in the passage now quoted, that the then administration were inexcusable for not arming immediately on their first knowledge of the Spanish attempt, that their subsequent vigour was a small apology for so gross a neglect, and that Lord Chatham was perfectly right in all his severe reflections on both these circumstances. To reconcile this contradiction I leave the gentleman ; merely observing, that the comparison he has thus attempted must of course fall to the ground, and that, unless the criminality of the present Ministers can be deduced from the facts, which he takes upon him to assert in the latter part of the passage above cited, the people of England will not believe them to be criminal. To investigate those facts I now proceed.

1st. That in the present year, Ministers were informed so early as the 10th of February, that the blow was actually struck.

2d. That they made no preparations till the 4th of May following, when they heard that considerable armaments were carrying on in the ports of Spain.

3d. That on the 19th of April Mr. Pitt gave such assurances of peace, as made the Stocks rise to 81.

I really do not know, Sir, from what channel of information the confident assertor of these propositions has derived his intelligence,---whether from any emissary of the Spanish Court, whose interests he has undertaken to support in opposition to those of his country ; or whether, like the argument and comparison of which I
have

have just disposed, they may be the offspring of his own prolific brain ; but sure I am, that no information of which the public is in possession can warrant any one of these assertions. On the contrary, I am warranted from that information to assert, *that these propositions are false ; that Ministers were not informed on the 10th of February, of the blow having been struck ; that they were not guilty of negligence in not arming at that period, or till a considerable time afterwards ; and that Mr. Pitt's speech did not occasion a rise of the Public Funds.*

I know but of *three papers* from which any information on this subject can be derived, viz. His Majesty's Message to Parliament on the 5th of May, and the two papers which have been published in the newspapers, under the title of Spanish Declarations, and dated the 4th of June. The authenticity of these last I do not mean to dispute ; though, from the contradictions with which they are replete, it appears somewhat libellous on the Court of Spain to attribute them to her. As, however, they are all we have, it will be perfectly fair to look to them for the information in question. His Majesty's Message is a state paper of a very different nature. No one, I presume, will think proper to impeach its authenticity, or to dispute the facts which it communicated to the publick. By these authorities let us therefore examine the assertion before us.

With regard to the *time* when Administration first knew of what had happened at Nootka, and the *species of information* they received, the Spanish Declarations assert it to have been on the 10th of February ; but they say little of the con-

contents

tents of M. del Campo's note, further than that it gave a sincere account of what had happened, and required the English aggressors (as they were styled) to be punished, in order to prevent a repetition of a similar conduct. The fact of its being the 10th of February rests upon those Spanish papers ; for his Majesty says no more, than that the capture of one English vessel had *before* been notified by the Spanish Ambassador. The exact day, however, will be of small importance, should it turn out that the *information itself*, whenever delivered, was very different from what this writer has asserted it to be. He affirms, that Ministers were *then* informed of the *blow having been actually struck*. His Majesty says, that the *capture of one vessel* was notified by the Spanish Ambassador, who, at the same time, desired, that measures might be taken for preventing British subjects from frequenting those coasts, which were alledged to have been *previously occupied and frequented by the subjects of Spain*. A similar complaint was, at the same time, made of the incroachments of British subjects on the coasts of the Spanish continent, under pretence of fishery. But not a word was mentioned of the *robbery and cruelty of M. Martinez*---of the *other vessels* which had been taken ---or of the important circumstance of our *prior right and possession* ; a fact which, as I have already mentioned, was totally unknown, as was the enterprize to Nootka itself, till discovered in the course of this business. The public, from this authentic information, will be able to judge, what intelligence was thus given of a *blow having been struck* ; and whether from such a communication, Ministers would have been warranted

warranted in making offensive preparations, and involving their country in a precipitate war. The fact is, as every tolerably informed man well knows, this information was precisely of the same nature as a thousand other similar complaints, which have been reciprocally made by the two countries for an hundred years past, on the trite and thread-bare subject of contraband trade, and the difficulty of precisely ascertaining relative boundaries in a very extensive continent. Informations and complaints of exactly the same nature, concerning contraband trade, and the seizure of smuggling vessels, as we all know, have been made, not only between us and Spain, but between us and France, almost every month since the last peace ; yet no one, 'till now, ever pretended to assert, that such matters were a ground for war, and that the detention or even confiscation of a trading vessel (the fact of smuggling being proved) was an adequate cause of hostilities. Yet such was the information in question, so far as the assertion of the Spanish court (that is, *so far as the information itself*) extended. His Majesty, however, watchful for the interests of his subjects, and aware that the fact of criminality on their part depended solely on the Spanish assertion, required the restitution of the vessel, and an adequate satisfaction. Beyond this it was impossible for him to go. The Spaniards might possibly have proved the two facts they advanced---the exercise of a contraband trade, and the property of the place where it had been carried on ; and, in that case, a farther prosecution of our demand would not have been consistent either with justice or with decency.

The answer given by the court of Spain to this
F demand,

demand, as also appears from his Majesty's message, was such as by no means warranted any violent measures; on the contrary, it contained an assurance that, *this vessel and her crew had been set at liberty by the vice-roy of Mexico*; on a supposition, indeed, that nothing but the ignorance of the rights of Spain encouraged the individuals of other nations to frequent those coasts; but at the same time, *in conformity to his previous instructions, which required him to shew all possible regard to the British nation.* The public will decide whether this was the language of hostility, and how far it warranted an immediate preparation for war.

Such appears to have been the state of his Majesty's Ministers' information, *till the 30th of April*, when Captain Mears presented his Memorial to Mr. Grenville. This paper indeed conveyed an intelligence of a very different nature from that which had been previously received. It was now found that *various vessels had been seized; that an English Settlement had been taken, and that Englishmen had been treated with unjustifiable cruelty.* His Majesty, on hearing their case, avowed the possession which had been taken by his subjects; the business became a national concern, and the strength and resources of the country were called into action. *Within one week after the affair was communicated, the most active and formidable preparations were made; a positive demand of preliminary satisfaction and restitution was sent to Madrid, and the people of England were called upon to adopt the national vindication.* To that people I leave it to determine on the merits of our Ministers; and

to repel with deserved ignominy the injurious aspersions of the *Advocate of the court of Spain*.

The facts I have advanced must, of course, confute the last of these assertions, namely, that Mr. Pitt, knowing, on the 10th of February, that the blow had actually been struck, imposed upon the public on the 19th of April, by assurances of peace, which made the stocks rise to 81. *The fact was impossible*; for no such information reached him till the 30th of that month. *It is besides untrue that the language he used on that day had such a tendency*; a matter already too often and too openly discussed to be worth refuting again: though, had he actually expressed himself in such a manner, *the circumstances I have mentioned would have warranted his assertion in its full extent*. In this instance, however, the writer of the *Strictures* is peculiarly unlucky, as, by an appeal to dates, the direct falsehood of his assertion is apparent; it having happened (as Lloyd's list, or any Broker on the exchange could have told him) that the *immediate consequence of the language held by Mr. Pitt on that day was a DECLENSION OF THE FUNDS*.

V E R U S.

NUMBER VIII.

S I R,

I NOW proceed to follow the *Advocate of the Court of Spain*, in the comparison he thinks proper to make between the species of satisfaction obtained in 1771, and that which has lately been communicated to the public; and to discuss the Propriety of the inference he draws from these documents, viz. "That Mr. Pitt has compromised away what he, in a high and menacing tone, insisted upon as an intolerable insult to the honour of His Majesty's Crown and People."

To prove this, he gives at length the Declaration signed on the 22d of January, 1771, by Prince Maferano, and that signed by Count Florida Blanca, on the 24th of July, 1790; from which, *as the whole of those two transactions*, he draws conclusions as groundless and unwarrantable as they are malicious.

Had this writer been disposed to treat the matter fairly, he would have given *all the instruments* which were exchanged on these several occasions, and would not have withheld the *Counter-Declarations* of Lord Rochford and Mr. Fitzherbert; which, as containing the sentiments of our Court still more decidedly than the declarations themselves, would have enabled the public to draw a just inference as to the comparative merits or defects of the two transactions. This however he feared to do, well knowing that such a disclosure must completely overturn his hypothesis, and defeat all the pains he had taken to support the
cause

case of Spain against this country. As I however have no occasion, when maintaining the cause of our National Honour, to make use of such a disgraceful subterfuge; as I feel that, the more the truth is known, the more certainly the arts of this *Spanish Advocate* must be defeated; I take the liberty of begging you to insert, at full length, the two Counter-Declarations, that the public may have an opportunity of judging for itself, on the whole of these instruments, before I proceed to discuss their comparative merits, and to prove the essential points on which they differ, whether as applied to the two periods, or to the satisfaction which they contained for the insulted dignity of the Crown, and of the people.

THE FOLLOWING ARE THE TWO
ENGLISH COUNTER-DECLARATIONS

Faithfully translated from the Originals.

COUNTER-DECLARATION IN 1771.

His Catholic Majesty having authorised the Prince of Maferano, his Ambassador Extraordinary, to offer, in his Majesty's name, to the King of Great Britain, a satisfaction for the injury done to his Britannic Majesty by dispossessing him of the Port and Fort of Port Egmont; and the said Ambassador having this day signed a declaration, which he has just delivered to me, expressing therein, that his Catholic Majesty, being desirous to restore the good harmony and friendship which before subsisted between the two Crowns, does disavow the expedition against Port Egmont; in which force has been used against his Britannic Majesty's possessions, Commander

and subjects ; and does also engage that all things shall be immediately restored to the precise situation in which they stood before the 10th of June, 1770. And that his Catholic Majesty shall give orders, in consequence, to one of his officers to deliver up to the officer, authorized by his Britannic Majesty, the Port and Fort of Port Egmont, as also his Britannic Majesty's artillery, stores and effects, as well as those of his subjects, according to the inventory which has been made of them. And the said Ambassador having moreover engaged in his Catholic Majesty's name, that what is contained in the said Declaration shall be carried into effect by his said Catholic Majesty ; and that duplicates of his Catholic Majesty's orders to his officers shall be delivered into the hands of one of his Britannic Majesty's principal Secretaries of State within six weeks ; his said Britannic Majesty, in order to shew the same friendly disposition on his part, has authorised me to declare, that he will look upon the said declaration of Prince de Maserano, together with the full performance of the said engagement, on the part of his Catholic Majesty, as a satisfaction for the injury done to the Crown of Great Britain. In witness whereof, I underwritten, one of his Britannic Majesty's principal Secretaries of State, have signed these presents with my usual signature, and caused them to be sealed with our arms. London, 22d day of January, 1771.

(L. S.)

Signed,

ROCHFORD.

COUNTER.

COUNTER-DECLARATION IN 1790.

His Catholic Majesty having declared that he was willing to give satisfaction for the injury done to the King, by the capture of certain vessels belonging to his subjects in the Bay of Nootka, and the Count de Florida Blanca having signed, in the name and by the order of his Catholic Majesty, a declaration to this effect; and by which his said Majesty likewise engages to make full restitution of the vessels so captured, and to indemnify the parties interested in those vessels for the losses they shall have sustained. The undersigned Ambassador Extraordinary and Plenipotentiary of his Majesty to the Catholic King, being thereto duly and expressly authorised, accepts the said Declaration in the name of the King; and declares that his Majesty will consider this Declaration, together with the performance of the engagements contained therein, as a full and entire satisfaction for the injury of which his Majesty has complained.

The undersigned declares at the same time, that it is to be understood, that neither the said Declaration signed by Count Florida Blanca, nor the acceptance thereof by the under-signed, in the name of the King, is to preclude or prejudice, in any respect, the right which his Majesty may claim to an establishment which his Majesty's subjects may have formed, or should be desirous of forming in future at the said of Bay Nootka.

In witness whereof I have signed this Counter-Declaration, and sealed it with the seal of my arms, at Madrid, the 24th of July, 1790.

(L. S.)

Signed

ALLEYNE EITZHERBERT.

VERUS.

NUMBER IX.

S I R,

THE whole of the instruments which passed in the years 1771 and 1790 being now before the publick, as well as a fair statement of the several transactions which gave occasion to them, I proceed to discuss their essential differences, and, from them, to confute the injurious assertions advanced by the *Advocate of the Court of Spain*.

The fairest, as well as the most perspicuous, way of doing this, will be to examine the two documents separately; to consider them as applied to the existing circumstances, and to ascertain how far each of them accomplished its avowed purpose. When that shall be done, the comparison of their respective merits will be so obvious, as to render it unnecessary for me to intrude, at any considerable length, on the patience of the public.

In 1771, the question related to the capture of an English settlement which was avowed, certain and exclusive, and which had been openly enjoyed, under his Majesty's authority, for more than five years;---to an aggression authorised by the Court of Spain, and conducted with every circumstance of national preparation;---to an insult the most disgraceful to the British flag;---and to a broad, exclusive pretension of the Court of Spain to an unlimited right over the whole of the American continent and seas. The object of the Ministers was the compleat restoration of the settlement and the property which had been cap-

tured; an adequate satisfaction for the insult which had been offered; and a decisive settlement of the respective claims of the two countries, in order to ascertain precisely their relative boundaries and rights, and to remove all future causes of dispute. Let us see how far this object was obtained.

A restoration of the settlement could be *complete*, only by its extending to the *whole of the possession captured*. This, as I have proved, was the *Island* on which Port Egmont was situated, of *all* which his Majesty was as compleatly Sovereign, as he was of England, or any other of his possessions. *The restoration of the Island was therefore the point on which the then Administration was pledged.*

What they got appears from Prince Maserano's Declaration, viz. "A restoration of things "in the Great Malouine, *at the Port called Egmont*, precisely to the state in which they were "before the 10th of June, 1770; and the delivery, to a British officer, of the *Port and Fort called Egmont*, with its stores and artillery." The *whole Island* was his Majesty's right; the *whole Island* had been seized; *Port Egmont*, and Port Egmont alone, was restored. To this portion of his Majesty's rightful possession the restitution was confined; though the Spanish aggression was made under a pretence of title to the whole; though Spain herself, in the outset of this business, actually offered to restore the whole; though she declared to Mr. Harris, after the negotiation was begun, that she desired nothing so much as peace; and that, having so little to get, and so much to lose, by a war, nothing but the last necessity could reduce her to so violent a

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measure;

measure ; and though our Ministers knew, from unquestionable authority, not only the weak and exhausted state of Spain, but that France had positively refused to support her in case of a war.

Without offering a comment on this statement of facts, I proceed to consider the *kind of satisfaction* which was accepted for the *insult* offered to this country. This insult consisted of an assemblage of offensive acts---the seizure of his Majesty's settlement---the detention of his officers and seamen---the indignity shewn to a King's ship, by depriving her of her rudder, and keeping her in that disgraceful state for thirty-four-days.

The aggregate of these circumstances amounted to the grossest and most offensive indignity ever offered to this country, and of course required the most compleat and satisfactory reparation, which one country could make to another ; which might wipe out every vestige of the offence, and might satisfy the injured honour of a great King, and an high spirited people.

The *satisfaction accepted* appears from the Declaration. His Catholic Majesty declared " he had seen with displeasure an expedition " *tending to disturb the good harmony between him* " *and his Britannick Majesty* ; and that he disapproved the said violent enterprize."

When I assert this to be the whole of the satisfaction, so pompously brought forward by the *Advocate of the Court of Spain*, as an object of comparison between those Ministers who accepted it and the present Administration, and as an evidence that his Majesty's present servants have comparatively shewn themselves more regardless of the interest and honour of the state, I should

should feel apprehensive that my assertion would be laughed at, by every intelligent reader, were I not able to refer to the Declaration itself. This authentick instrument contains my evidence; and further proves, that even *this satisfaction* was not compleat, as it is expressly declared to have been given on a consideration, that this event might interrupt that peace, which Spain had repeatedly declared it her absolute interest to maintain, and by no means from a conviction of the impropriety of what had been done---of attention to the dignity of this country---or of a desire to atone for the insult.

As to the *disavowal* of the King of Spain, which the *Spanish advocate* asserts, "did away the offence," it was a species of reparation inadequate to the insult, and derogatory from the dignity of this country to accept. The Court of Madrid *disavowed* indeed the act of hostility, as proceeding from *particular instructions*; but she *justified* it, in every step of the negociation, under her *general instructions* to her Governors; under the oath by them taken, and under the established laws for the government of her American possessions. This general order was never disavowed nor explained; nor was any disavowal or explanation of it ever demanded by the Ministers. On the contrary, the public was imposed upon by a general phrase, implying a disapprobation and a disavowal, while the express terms, on which the negociation was conducted, were a declared approbation and avowal of the whole transaction.

Nor could this disapprobation and disavowal be construed in any manner to extend to the insult offered to his Majesty, by unshipping the

rudder of his Majesty's ship ; for it is cert..., that this degrading circumstance never formed a part of the negociation ; no satisfaction was ever required for it ; nor is it even hinted at in the Declaration. This was an act which could not be supported on any idea of its being necessary for the reduction of the fort ; nor indeed did the Spaniards ever pretend such a necessity, or ever attempt it. *This unparalleled and audacious insult therefore was wholly unnoticed ;* the country remained without atonement ; and the British flag was stained with impunity.

So much for the restoration of the settlement, and the satisfaction for the insult. On the remaining point, namely, the final settlement of the respective claims of the two countries, the whole may be said in very few words. *There was not a syllable upon the matter, either in the Declaration or the Counter Declaration.* On the contrary, there is the most direct and unequivocal assertion on the part of Spain, never disputed nor qualified, and therefore admitted, on the part of England, that the restoration of Port Egmont, *could not, nor ought, in any wise to affect the question of the prior right of sovereignty of the Malouine or Falkland's Islands ;* a right which, as I have shewn, never did nor could exist---which this country in justice might and ought to have denied ; but which the Ministers of that day, instead of finally settling, or at least putting in a counter claim against it, studiously avoided to touch upon from the beginning to the end of the transaction---a transaction which (to use the emphatical words of the protesting Lords of that period) *settled no contest, asserted no right,*
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exacted no reparation, afforded no security; but stood as a monument of reproach to the wisdom of the national councils, of dishonour to the essential dignity of his Majesty's Crown, and of disgrace to the hitherto untainted honour of the British flag.

NUMBER X.

S I R,

BEFORE I enter upon the discussion of the Declaration and Counter-Declaration, signed on the 24th of July last, I must advert to a very material distinction between those instruments and the Declaration and Counter-Declaration of 1771; viz. that the latter formed the *only* settlement of the transaction in question, and were neither followed nor meant to be followed by any thing more definitive; whereas the former were no other than a *preliminary step to an ulterior and conclusive negotiation*, in which the several matters in dispute between the two Courts might be fully discussed and finally arranged. This distinction the *Spanish Advocate* very ingeniously forbears to notice; though it is very essential to the fair discussion of the question between us; and he argues upon the two Declarations as if they were *both* conclusive; transactions, absolutely terminating the several negotiations. He has even the hardiness to assert, that "Mr. Pitt pledged himself and his "Royal Master, to insist on the full and final de-
" termination

“ termination of the *question of right previous to the negociation* ;” an assertion directly and positively untrue. From the first communication of this business, by his Majesty’s message to Parliament, two objects, in their natures perfectly distinct, were brought forward; the first, a satisfaction for the national insult and for the individual injury which was declared to be a *sine qua non*, and to be antecedent to any other discussion : The second, an investigation of the respective claims and demands of the two countries, by which their several interests might be ascertained, and all occasion of dispute in future might be removed. This was the language of the King’s message on the 5th of May ; and it was afterwards the language of Mr. Pitt, in moving the Address to his Majesty, as well as in his reply to Mr. Fox in the House of Commons ; on this principle it appears that Mr. Fitzherbert negotiated ; that, conformably to it, the Declaration and Counter-Declaration were interchanged, and that upon it the negotiation itself is now proceeding. I therefore confidently submit to the public the distinction I have drawn, between the nature of the instruments which were exchanged at the two periods ; and shall proceed to shew how far the object which was held out at the beginning of this business, that is, a *satisfaction preliminary to a negociation on our rights and privileges*, has been successfully accomplished.

The aggression of the Spaniards at Nootka consisted in the seizure of several English vessels, and the property on board of them ; in the imprisonment and cruel treatment of the sailors ; which were followed by the seizure of a district,
which

which had been purchased of the natives, and on which a building had been erected. These sailors, however, had no royal commission; the settlement, the vessels, and the property, were those of private individuals, unauthorised by, and unknown to Government; whose enterprise and possession had not been avowed by his Majesty, and who, consequently, had no other title to his protection, or to a national interference in their behalf, than what arose from the general ground of their being British subjects. Nor did all the parts of this aggression prove to be the objects of such an interference; as, antecedently to any discussion, a complete satisfaction, as it appears, had been given on the subject of the cruelties exercised upon the sailors. These the Court of Spain disavowed, and actually ordered M. Martinez, who had perpetrated them, to be arrested and tried for his misconduct, immediately on the first intelligence arriving at Madrid, and before any representation was made on the subject by our Court. Of course, this country had already received every possible degree of satisfaction on that point, which justice could require, or which even the most punctilious delicacy could conceive to be necessary. The Court of Spain had not only denied the existence of any order for the commission of this offence; but had voluntarily ordered the offender to be brought to punishment; and that too *declaredly* for having disobeyed his general orders, which, far from warranting the severities he had inflicted, required him to shew all possible regard to the British nation.

The remaining subjects of discussion, immediately arising from the transactions at Nootka, were

were therefore the seizure of the settlement and of the vessels and property. For the latter of these aggressions the Spaniards had also, antecedently to any discussion, made a species of atonement; for the Vice-Roy of Mexico had set one ship at liberty, immediately on its arrival in that government, as we learn from his Majesty's message to Parliament; and, as appears from information since received, the other captured ships were also set at liberty by the Vice-Roy, and their crews were supplied with provisions, stores, and money, to enable them to pursue their voyages. This, however, was a reparation extremely inadequate to the offence; as it was made on an assumption, that nothing but *ignorance of the Rights of Spain* had encouraged them, or could encourage others to visit those coasts, for the purpose either of making establishments or of carrying on trade; although it was represented to have been done by the Vice-Roy in conformity to his previous instructions, requiring him to shew all possible regard to the British Nation. It is evident that such an assumption implied both a right in the Court of Spain to do this, and the existence of orders to enforce such a right; the first of these this country could not, on any principle, admit; and the orders of a monarch could not be done away by the act of an individual, however high his situation might be. An attention to the honour of their country made it therefore necessary for our Ministers, to call upon the Court of Spain itself to give direct satisfaction for an injury, committed by an officer acting under its immediate commission, and grounded on its pretension of an exclusive right to the whole continent

of America. To do this, it was necessary for his Catholic Majesty to acknowledge that *such an injury* had been committed; an expression which implied an acknowledgment that the Court of Spain had no right to use force, in preventing British subjects from visiting the coasts in question for the purposes of trade and settlement. This interpretation is the only one which the expression will bear, whether applied to the case of an individual, or to that of the public; an injury to the former being definable only as an infringement or privation of private or civil rights; and an injury to the latter only as a breach and violation of public rights, affecting a whole community, considered as a state. Such an acknowledgment is contained in the Declaration signed by Count Florida Blanca; for, by the expression "His Catholic Majesty is willing to give satisfaction to his Britannic Majesty for the *injury* of which he has complained," as perfect and complete a satisfaction was given, as could be expected from a crowned head; as it necessarily implied an admission, in the King's own name, that the act complained of was an *injury*, as well as his disposition to give satisfaction for it *as such*. To have demanded more, would have been to have required an unnecessary humiliation; and would have been going beyond the object of vindicating the honour of the country.

It must however be observed, that the pretensions which we thus asserted to visit and settle at Nootka, though avowed and exclusive, were not *certain*. On the contrary, a pretension, whether well or ill founded, was advanced by the King of Spain to the whole of the north west coast of America. Such a claim, when once the act of force was done away, could not but be entitled to a

fair discussion, in the same manner as if it had been originally advanced by a peaceable representation. However much it was the interest of this country to establish its own right, in contradistinction to the Spanish pretension, and however firmly our Ministers might be resolved to ascertain it beyond any danger of future molestation, it was impossible for it to be *definitively* ascertained by any thing short of a formal negotiation. This, however, consistently with the dignity of his Majesty's Crown, and the public engagement of his Ministers, could not be entered upon till after the Preliminary Satisfaction was obtained; nor could it properly be made a part of that satisfaction, as it was distinct in its nature from the insult which had been received, and not, like that, capable of being exactly defined in the first instance. It was necessary, in the first place, to carry that point; the *ulterior* discussion of interest and claims afterwards became open to both parties; and, as a public evidence of the existence of such reciprocal claims to the territory in question, a clause of reservation, *expressly distinguishing them from the preliminary satisfaction*, was mutually inserted in the several instruments exchanged by Mr. Fitzherbert and Count Florida Blanca.

These clauses of reservation, the very mention of which has been avoided by the *Spanish Advocate* as completely overturning his argument, require a particular discussion, and would carry me beyond those limits, which an attention to your other correspondents could afford me. I will therefore, Sir, postpone this subject till my next letter, in which I hope to conclude what I have to say on the comparison so invidiously attempted.

tempted by the *Advocate of the Court of Spain*, between the affairs of Falkland's Island and Nootka Sound. When I shall have done that, the public may be assured that I will not fail to make good my promise, of meeting this *Spanish Envoy* on his new ground, and of investigating the doctrine he thinks proper to lay down respecting the Convention of the year 1786 ; a doctrine of a nature so unwarrantable, as to call for the indignation of every Englishman ; and exceeded in its sophisms and absurdity only by its dangerous public tendency.

V E R U S.

NUMBER XI.

S I R,

OF all the various and essential points in which the present transaction with the Court of Spain differs from that of 1771, there is not one so material, or so deserving of being particularly explained, as that arising from the clause of Reservation contained in our Counter-declaration. Were the two transactions in all other respects alike ; were there no distinction between the right, the aggression, or the degree of satisfaction ; were both of them to be considered without any reference to any ulterior negotiation ; this clause would establish a contrast of the most essential importance.

I have shewn that, in the affair of 1771, our
H 2 Ministers

Ministers admitted a reservation, on the part of the Court of Spain, of her prior right of sovereignty, without either putting in a counter-claim, or even hinting at such a pretension on our part; by which they virtually acknowledged the exclusive right of the Spanish Crown. For, on the principle of exclusion alone, such a reservation of right could be founded; the Spaniards neither having, nor pretending to have, made any settlement in those Islands. And this too was suffered by the then Ministers, though they knew all the circumstances I have before mentioned, and were convinced that Spain, weak and exhausted as she was, neither desired nor was ready to engage in a war.

In the present business, though the difficulties of conducting it were in some respects comparatively greater; though the call upon the national honour, however strong, was in a degree less cogent; and though the strength and resources of Spain were much more formidable; our Ministers have more successfully maintained the rights and interests of their country. The same pretension of exclusive right to the Coast of America still influenced the conduct of Spain: on that arrogant assumption the quarrel originally began, and was justified in the two declarations of the 4th of June. The British Cabinet, however, was no longer guided by the timid councils which influenced the administration of 1771. The extravagant pretension of Spain was now denied; her exclusive right was not admitted to extend beyond her actual possession; and the right of British subjects to visit and occupy the unsettled parts of the American Continent was asserted. On these principles, our demand of preliminary

nary satisfaction was made; the right of his Majesty's subjects to settle on the North West coast of America, in places not previously occupied by any other power, was assumed as the ground of that demand; and from that right was deduced the complaint of the injury, arising from the seizure and detention of British subjects and property. The force of this reasoning, and the principle on which it was founded, were necessarily admitted by Spain, by the fact of making the satisfaction required for the injury done by the aggression of her officers; and, had the instruments exchanged gone no farther, had the transaction rested here, the exclusive right of the Crown of Spain could no longer have been maintainable. A claim of a British Monarch, however, of a nature so important to his dignity and to the interests of his people, called for a stronger acknowledgment, than what arose merely from implication or from a construction of phrases, however just and undeniable such a construction might be. Conscious of the justice of his claim, it became a great and powerful King to assert it, in direct and pointed terms; it became him to require the acceptance, and consequently the acknowledgment of it, from the power which had denied it. *His Majesty has asserted this claim*; he has asserted it to extend to the right of his subjects *to any establishment which they may have formed, or should be desired of forming in future*, at Nootka; and he has asserted it in these terms, *retrospective* as well as *prospective*, in marked and emphatical contradistinction to the reservation of the Spanish Monarch, which is absolutely *prospective*, or, in his Catholic Majesty's own words, "to any right which
" his

“ his Majesty *may* claim to form an exclusive establishment at the Port of Nootka.”

Having thus gone through the whole of these two transactions, and having, as I trust, satisfactorily proved the misrepresentations and fallacies obtruded on the public by the *Advocate of the Court of Spain*, I willingly leave the decision of the question to a candid and discerning public. From the fair statement of facts which I have brought forward, and from the consequences resulting from them, it surely must be particularly pleasing to every lover of his country, who can blush for her humiliation, or who can triumph in her glory, to reflect on the striking and proud distinction which marks the present transaction. That which was *neglected* when our right was *indisputable*, has been *done* when our right was liable to discussion; what the exhausted state of Spain intimidated former Ministers from enforcing, has now been gained when her strength and resources were great; what *that* administration did not dare to *ask*, *this* administration has obliged the Court of Spain to *grant*. The proud pretensions the exclusive claims of that engrossing monarchy, are now reduced to the level of a calm discussion, and the idle vaunt of an unlimited and undefinable right is lowered to an admission of the claims and pretensions of the British Crown.

On this footing do we now proceed to negotiation. From a knowledge of what has already been done, a fair judgment may be formed of what is yet to be expected. As a steady adherence to the rights of this country, as vigilance, firmness and resolution have already obtained for us the satisfaction which we claimed, we are justified

justified in hoping that a continuance of such exertions will bring this business to a happy conclusion, and finally remove the occasions of future wars. That our cause is just no true Englishman will deny. Let us therefore confidently hope that peace, the first and greatest of blessings, may be the end of our negotiation; let us unite, hand and heart, in every measure which can tend to so desirable a conclusion; not inviting war, but not avoiding it by dishonourable concessions; not invading the rights of other nations, but vigorously maintaining our own.

V E R U S.

NUMBER XII.

S I R,

HAVING gone through, and, as I trust, fairly confuted the arguments advanced by the *Spanish Advocate*, in support of his comparison between the affair of Falkland's Islands and Nootka Sound, I now proceed to fulfil my promise of discussing the merits of his more recent propositions, viz.

“That in the present instance we have encroached upon a coast which, by our acknowledgment, in the convention of 1786, belonged to the Crown of Spain.”

“That, though the late Lord Chatham called the commerce with South America a smuggling-trade, and said he trusted no British Minister would dare to avow such a trade in the face

of Parliament, his son, our present Minister, has not only dared to avow it, but, after confirming the right of Spain to the exclusive dominion of that coast and isles adjoining, and the navigation of the South Seas, by the Convention of 1786, has dared to break the Faith of Treaties, by establishing a settlement, and even building ships at Nootka Sound, for the purpose of carrying on that very commerce which his father so severely reprobated.

“ That, when he had thus drawn the nation into the necessity of arming in defence of its honour, not its right, Mr. Pitt, with the precipitancy of a shallow, incautious, and unexperienced politician, pledged himself and his Royal Master to the Representatives of the Nation, not to enter on any negotiation until restitution was made for the insult offered to the British flag, and the question of right was clearly and finally adjusted.”

And these charges, as well as the absurdity of Mr. Pitt's solemn promise to Parliament, and the injustice of his conduct in the whole proceeding, the writer undertakes to prove by the Convention of the year 1786, whether considered by itself, or as contrasted with the treaty of 1783, from which and from the arguments to be deduced from them, this writer wishes the public to determine what degree of confidence is due to a Minister, who has thus violated the faith of treaties, and the law of nations.

Such, Sir, is a fair statement of the heavy charges brought by this anonymous accuser against that man, who, for nearly seven years, has enjoyed the favour of his Sovereign, and the support of his fellow subjects; whose administration

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ist, That, by the Convention of 1786, we
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acknowledged the territory of Nootka Sound to belong to the Crown of Spain.

2d, That Mr. Pitt, in opposition to the doctrine held by his father, has dared to avow a smuggling trade on the territory so acknowledged to belong to Spain, with various circumstances of aggravation.

3d, That, by so doing, he has drawn this country into the necessity of arming in defence of its honour, not of its right.

4th, That he pledged himself and his Royal Master to the Representatives of the nation, not to enter into any negotiation until restitution was made for the insult offered to the British flag, and the question of right was clearly and finally adjusted.

These propositions I purpose thoroughly to discuss; and before I conclude, I trust I shall be able to convince the public, beyond the possibility of contradiction, of the futility of the arguments, as well as the gross fallacy of the facts, which this writer has dared publicly to advance. I have already driven him from one strong hold; and I pledge myself not to quit him, till I have compleatly taken off his masque, and shewn him, in his true shape, *the advocate and emissary of the Court of Spain.*

V E R U S.

NUMBER

NUMBER XIII.

S I R,

THE first proposition of the *Spanish Advocate* is, that, by the Convention of 1786, we acknowledged the territory at Nootka Sound to belong to the Court of Spain.

As an evidence of this, he quotes the preamble of the Convention; and, from the wish which is there expressed by the Kings of England and Spain, to prevent even the shadow of misunderstanding, which might be occasioned by doubts or other causes of misconception, between their subjects on the *Frontiers of the two Monarchies*, especially in distant countries, such as are those in America, he argues that the *exclusive* right to the North West coast of America was abandoned by us to the Spaniards; though as he immediately after says, this humane wish was certainly confined, in this instance, to the South-East coast of that continent, and the avowed object of the Convention did not extend beyond a small portion of that coast.

This appears rather to be an absurd mode of reasoning, and tolerably subversive of the proposition it is brought to support. And indeed the Writer himself seems somewhat of that opinion, as he suddenly quits it for the first article of the Convention itself, from which he threatens us with convincing proof. Let us see, says he, in what manner this speculative wish is to be carried into practice. It is done thus---His Britannic Majesty declares that his subjects shall evacuate

the country of the Mosquitos as well as the Continent in general, and the islands adjacent, without exception, beyond a given line, which was to be considered as the Frontier of the Territory granted by his Catholic Majesty to the English.

Here indeed, unhappily for him, the force of truth seemed to be too strong even for the desire this Writer had to impeach our national character. By some strange inconsistency, the following sentence immediately succeeds this quotation, affording the most decided answer to his assertion, and proving beyond contradiction that this Convention did *not* amount to the acknowledgment of the Spanish right to Nootka. "The *only* question," says he, "between the several nations respected *merely* the country of the Mosquitos *in particular*." What! was this the *only* question? Was it indeed true that the Convention was made *solely* on the business of the Mosquito country? and was this the single and *particular* ground on which the negotiation proceeded? The *Spanish Advocate* says it was. I say so too. Where then can be the difference between us, as the *whole* question turns on this point, the instrument itself, and every part of it being to be construed solely by its subject matter and the intention of its framers? Oh! says the ingenious gentleman, I have several ways of construing this matter; by which I will make it appear, that, though the *only* question between the two countries respected *merely* the country of the Mosquitos *in particular*, the evacuation of the *continent in general* and the *islands adjacent, without exception*, was the great and prominent object of the convention; that the *conjunction copulative*,

as well, contains a transfer of every inch of land on the continent of America to the Spaniards; and that, though the *letter* of the convention *does not go minutely* to the present case, and though, as aforesaid, the *only* question between the two countries respected *merely* the Mosquito shore *in particular*, yet the *spirit* and the *principle* of the convention immediately and most powerfully apply to cede the *whole* of America, both north and south, to Spain. All these matters this stupendous reasoner assures us will be perfectly clear, when we come to consider the *Spanish claim*, on which this convention was founded.

As a short enquiry into the nature of this *Spanish Claim* will greatly shorten our discussion, I willingly enter upon it in the first place. The *Spanish Advocate* asserts it to have been *general*, to the *whole of America*, subject only to the limitation of express treaties, or the long uninterrupted possession of other powers: and this he affirms on the authority of Mr. Fox, in his speech on the King's Message of the 5th of May, who, as this writer assures us, *asserted it from his own official knowledge, in his negotiations on this subject*.

The assertion itself is so excessively absurd, that I should have thought it unworthy of any serious notice, had not the sort of weight which it may derive from the authority of a Gentleman, who was Secretary of State when the Definitive Treaty with Spain was concluded, given it a species of importance it could not otherwise have been entitled to. I therefore do not hesitate directly to contradict the assertion; and I call upon that Gentleman, or any of his adherents, to meet me on this ground, and to disprove, if they can, the circumstances I shall advance.

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The real nature of the Spanish Claim on this occasion may easily be explained, by a short reference to the nature of our settlement on the Mosquito Shore, and to some transactions which took place on the affair of the Definitive Treaty in 1783, of which Mr. Fox cannot yet have lost the recollection, and which therefore, I should hope, must have prevented him from asserting what this officious partizan so peremptorily attributes to him.

The Mosquito country is situated in the heart of the Spanish American settlements, immediately connected with, and apparently forming part of, those rich territories known by the name of Mexico or New Spain. Some Englishmen fixed themselves there towards the end of the last century; but no regular establishment was formed till the year 1730. Since that time, perpetual disputes arose between this country and Spain, on the ground of a territory having been occupied by the former, which the latter, with some appearance of reason, asserted to be a part of their own possessions, as being inseparably connected with the kingdom of Mexico. The Spaniards also loudly complained of the facility, with which a contraband trade was carried on by these settlers throughout their American dominions, to such an extent as made it appear, more than any thing else, the direct object of the establishment, and which it was impossible to prevent so long as the settlement lasted. A trade of this nature every dispassionate man, and particularly the late Earl of Chatham, reprobated as being inconsistent with good faith and our national character. These reasons, which ought to have had weight with a just and wise Government, were little attended;

to; and it was not till the jealousy, which the amazing success of these settlers in the raising of sugars occasioned in our West India Islands, raised an outcry among our planters there, that our rulers thought proper to abandon the settlement. This event took place after the peace of 1763. The friends of the then administration indeed endeavoured to apologize for this extraordinary conduct, by assuring the public that it happened in consequence of a small mistake of the Ministers, who allowed themselves to be persuaded that the country of the Mosquitos formed a part of the Bay of Honduras. From whatever cause, however, it proceeded, the fact was, that the military and civil establishment were removed, the fortifications were destroyed, and the country was completely abandoned by England. After this dereliction, the Mosquito shore continued unnoticed by this country for 13 years; at the end of which time, in 1776, a sort of government was again established there; which continued to exist, feebly indeed, and without much advantage to us, during the American War.

The grievances, however, of which Spain had complained, revived with the re-establishment of the settlement; its proximity to the Mexican dominions, of which the Spanish government had always been jealous, and the impossibility of preventing an enormous contraband trade, were points which could not be indifferent to that country. The abandonment of the Mosquito Shore by the English, was therefore strongly urged by her, when the negotiation for a peace was opened in 1782; and there is reason to believe that a degree of attention was paid to the application by the then administration. Mr. Fox, on
whose

whose authority the *Spanish Advocate* founds his assertion, knows, I presume much better than I, or other less-informed men can be supposed to do, how far this business made part of the negotiation. I have indeed heard, though it is a matter on which I must of course speak diffidently, that a noble Lord, whose talents and amiable character deservedly entitled him to the distinguished post he then filled, and whose loss every one who knew him must lament, went very far in admitting the justice of the Spanish request, and in an engagement to comply with it. I do not mean to say that this went further than a *private* intimation; though even a *private* intimation, on an official business, from a Secretary of State, may be, and perhaps was then, considered as in a great degree binding on the honour of this country. Mr. Fox, however it is certain, *was of a different opinion*; for we know that he did not think it incumbent upon him to carry this engagement, of whatever nature it might be, into effect; but that he left it as an unsettled point, and, though such might not be his real intention, (of which, however, there is some reason to doubt), as a good ground of quarrel, whenever either this country or Spain might think a favourable opportunity presented itself. Be this however as it may, the negotiation undoubtedly went through Mr. Fox's hands; he perfectly knew the nature and extent of the Spanish claims; various other gentlemen, now daily conversant with business, knew them too. To him, to them, to every man who remembers the transaction and the debates to which it gave rise, nay, to the Spaniards themselves I appeal, whether the claims of the Court of Spain, on this occasion, were not limited to the *Districts possessed by the English*

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on the Mosquitos and Honduras Shores ; and whether the 6th article of the definitive treaty with Spain was ever meant, either by that country or by us, to establish any claim of the Spaniards to any thing beyond that part of America, which had been acknowledged to belong to them, and which they themselves defined by the title of *Spanish America*. These are facts which I am convinced no well informed man will deny ; but, as I do not wish to leave a doubt in the breasts of my countrymen on this important subject, I propose to pursue it further in my next letter.

VERUS.

NUMBER XIV.

S I R,

THE propositions, with which I concluded my last letter, are perfectly decisive of the question ; and, unless they can be overturned, the assertion attributed to Mr. Fox must fall to the ground. Although I am well assured that that Gentleman, accustomed as he is to escape from a conclusion which subverts his argument, will never openly assert that what I have advanced is not well founded, I know there are others, who scruple not to bring forward, as facts, propositions made for the service of the moment, which they confidently impose upon the publick as truth, and which they either maintain or desert, as best suits their immediate purpose. How far

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these arts may be carried, the *Spanish Advocate*, whose fallacies I have for some time been engaged in detecting, affords a strong proof. To destroy such sophisms is the duty of every well-wisher to his country. With that view, therefore, and to prevent the publick from being misled by groundless assertions, I proceed to shew, by irresistible evidence, that it never was, at any period of the negotiation, in the contemplation of Spain to assert a claim to any thing more, than those districts which had been possessed by the English on the Mosquito and Honduras shores; that nothing beyond this was either advanced or admitted by the English or the Spanish Ministers; and that there does not appear, in any of the instruments which passed on the occasion, any passage, to which, in fair construction, a different sense can be given.

Had the Spaniards entertained the idea of an *exclusive right to the American Continent and the Islands adjacent*, which is attributed to them by their *Emissary*, and which Mr. Fox is declared to have asserted, there can be no doubt but that they would have taken good care to state it in broad and precise terms, when the negotiation for a peace began in 1782; and, had such a claim been admitted by us, it is equally evident that it would have been distinctly mentioned in the Preliminary Treaty. For a matter of this importance can neither be demanded nor conceded by *implication*; express and positive terms are necessary to ascertain a right, which, in its consequences, goes to an extent unheard of in history, and is totally subversive of those established principles, on which not only the laws, but the dominion of nations are founded. Let us therefore inspect the Preliminary Treaty, and let the
clause

clause be produced in which this demand and concession are contained. I affirm that, from the beginning to the end of it, there is not one word which can, even by any quirk, quibble, or false interpretation, be tortured into any thing like such a meaning. On the contrary, there are *express passages* which directly militate against such an idea, and which prove that an *exclusive* right to the American Continent and Islands was *not* in the contemplation of Spain. Such is the restoration of the Providence and Bahama Islands to his Majesty ; such is the general restoration of all countries and territories which had been conquered by Spain ; an article which, if it applied at all, could apply solely to America, as no other quarter of the world afforded an object on which the clause could operate. But if the *expressions* of the Treaty prove the assertion attributed to Mr. Fox to be groundless, the *silence* of the Spaniards on the very point in question proves it yet more strongly. We were then *de facto* completely in possession of the Mosquito country. This formed a part of the continent, particularly valuable to the Spaniards, and which had been for many years the source of infinite complaints from that Court. *An exclusive right to the American Continent must have included this Settlement*, which was situated in the heart of it ; and, of course, its Cession must either have *formed a part of the Treaty*, or, on the principles of the *Spanish Advocate*, its *immediate abandonment* must have been the *unavoidable consequence*. As an answer to this theory, I appeal to the fact. Was the cession of the Mosquito Shore made a part of the Treaty? or did such an event happen in consequence of

being signed ? We know that the contrary of both these was the truth ; and therefore the consequence is evident, that the exclusive right of the Spaniards was never brought forward by them or admitted by us. The Preliminary Treaty affords us yet another proof of the proposition I have advanced. When, in settling the fourth article, the question of the Spanish sovereignty in America was actually agitated, the Spanish Right was not extended further than to the portion of the Honduras Coast, on which the subjects of England were permitted to cut logwood. And even here that right was not affirmed to be *exclusive* ; the expression, by which it was declared, being as limited and confined to the Honduras Coast as possible. The words of it are, " provided that these stipulations" (i. e. the right of cutting logwood on the Honduras Coast) " shall not be considered as derogatory in any respect from the rights of his Catholic Majesty's sovereignty." A declaration extremely necessary, and proper for a Sovereign to insist upon, when a liberty of settling on his own territory was given to the subjects of another power.

It is therefore evident, that the *express words* of this Treaty with regard to the Providence and Bahama Islands militated directly against this exclusive claim ; that the *silence* of the Spaniards concerning the Mosquito Shore was an implied dereliction of it ; and that, when the *Right was agitated, it was expressly confined to the Honduras Settlement*. The conclusion therefore is, as I have already asserted, that the Preliminary Treaty does not contain a syllable which can prove the *exclusive* right of Spain to the American Continent

Continent and Islands. In my next letter I mean to shew, that the definitive treaty is equally void of evidence to that purport.

V E R U S.

N U M B E R X V .

S I R,

AS the preliminary treaty with Spain affords Mr. Fox no ground for the assertion attributed to him by the *Spanish Advocate*, so the definitive treaty with that power, which enters still more particularly into the nature of the claim in question, affords an additional proof that it was *not intended to be exclusive*, and that the assertion was one which Mr. Fox will probably never insist upon, should the business before us come into public discussion.

In the Definitive Treaty, we have the same *express words*, with regard to the cession of the Providence and Bahama Islands, and the restoration of the territories which had been conquered by Spain, to prove the non-existence of this *exclusive* claim, which were mentioned in my preceding Letter; we have also the same *silence* of the Spaniards on the business of the Mosquito Shore. The sixth article, however, which expressly treats of the Honduras Coast, proves that that, and that alone, was in the contemplation of the negotiators, and that the *exclusive* right of Spain was specifically limited to that district. This treaty was the performance of Mr. Fox himself. It was indeed

indeed grounded on the Preliminary Treaty ; but the whole of the article I have mentioned (the only one, which at all treats of the sovereignty of Spain) was entirely new modelled, and fabricated into its present shape by that gentleman. If therefore I shall be able to shew that, so far from containing an exclusive claim to the whole of America, it *expressly limits the Spanish claim to the Honduras Coast*, it must be admitted the assertion attributed to him is totally void of foundation, and consequently that the deductions of the *Spanish Advocate* are idle and fallacious.

The preamble of this article expressly states the grounds on which it was made. “ The intention of the two high contracting parties being to prevent, as much as possible, all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dyeing, or logwood ; and several English settlements having been formed and extended, under that pretence, upon the Spanish continent.” Nothing can be so evident, as that the sole objects of this article were the prevention of disputes in consequence of the practice of cutting logwood, and the future Limitation of the district within which logwood was to be cut.

We accordingly find that boundaries were marked out, beyond which the English were not to pass ; and within these, the King of Spain assures to them the enjoyment of all which is expressed in this article ; “ provided, that these stipulations shall not be considered as derogatory in any wise from his rights of sovereignty.” What rights of sovereignty ? Undoubtedly those which extended over the district on which the English logwood cutters were thus permitted to settle.

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It is impossible, by any rule of construction, to extend this right further; and here I might safely rest the case, and appeal to the decision of the publick for the justice of my conclusion, did not this very article, in the passage immediately following the words last quoted, contain another and an irrefragable proof of it. The passage I allude to is this - " Therefore all the English, who
 " may be dispersed in any other parts, whether on
 " the Spanish continent, or in any of the islands
 " whatsoever, dependent on the aforesaid Spanish continent, and for whatever reason it might
 " be, without exception, shall retire within the district which has been above described." As this evacuation of the Spanish continent, and the islands dependent upon it, actually took place, a true knowledge of that fact must lead us precisely to know what was meant by those phrases, and whether they were intended to be *general* and *exclusive*, or were meant as merely indicative of what was actually the property of the Crown of Spain in those latitudes. Had the former been the case, the evacuation of the whole continent must have succeeded, and of course the English must have retired from the Mosquito country, which constitutes a considerable portion of that Continent, as it extends in a line of Coast nearly five hundred miles in length, and is situated immediately in the centre of the acknowledged Spanish territories. We know, however, that such was not the case; the Mosquito shore was not quitted. Of course, *the Spanish claim was neither general nor exclusive*. Yet, *the English did retire from the Spanish Continent*

and

and the islands dependent upon it. And this Spanish Continent was the district situated between the river Bellize, which formed the southern boundary of the Honduras Territory, granted by this treaty, and the Cape of Honduras, which formed the Western boundary of the Mosquito country, comprehending a coast of about four hundred miles in length, on which a variety of islands, some of considerable magnitude were dependent, and to which the right of Spain had never been disputed; from this the English settlers did retire, in express and immediate conformity to the treaty. By this appeal to facts we, therefore, have a compleat explanation of the nature and extent of the Spanish claim. We have seen to what it actually *did* and to what it *did not* extend; and of course the *only* consequence to be drawn from the transaction in question is, that the *Spanish claim was not exclusive*, or extending to the whole of the American continent and islands adjacent; *but that it was specifically limited*, by the *intention* of the *negotiators*, by the *words* of the *treaty*, and by the *mode in which it was executed*, to that part of the *Continent*, to which the right of the Spaniards had long been acknowledged, and which the English logwood cutters had been in the use of visiting.

Such, sir, is the plain and undisguised account of a transaction, from which the *Spanish Advocate* has ventured to draw a conclusion so perfectly erroneous, and for the truth of which he has thought proper to bring forward Mr. Fox as his voucher, assuring us that this gentleman made the assertion in question, *not merely as a Member of Parliament, but as one who had been Secretary*
of

of State at the time when the treaty was made, speaking from his own official knowledge of the negotiations on the subject. I leave it to that Right Hon. Gentleman and to the Advocate of the Court of Spain to settle together their account of obligations. The people of England will, perhaps, draw a conclusion from this association not very favourable to the views of either party. I have done my duty, by proving the falsehood of the assertion, and of the inferences so artfully obtruded on the publick ; and I now proceed in my following letters, to investigate the truth of the Spanish Advocate's reasoning on the Convention concluded in the year 1786.

VERUS.

NUMBER XVI.

S I R,

HAVING ascertained the nature of the Spanish claim, I must now recal the attention of the public to those propositions which the *Spanish Advocate* asserted would be clear, when that claim, on which he affirmed the convention of 1786 was founded, should be considered. I perfectly agree with him, that, *on this claim the convention of 1786 was founded; and I have proved, that the claim itself was not general nor exclusive.* It will therefore be somewhat difficult for him to convince the public, that, though the Spanish claim was limited by the Treaty of Peace to particular districts; though the Convention of 1786 was founded on that claim; and though, as he expressly asserts, the *only* question between the two countries respected *merely* the country of the Mosquitos *in particular*; it will, I say, be difficult for him to convince the public, that, (as he also expressly asserts) the evacuation of the *Continent in general and the Islands adjacent without exception*, was the great, the prominent object of the convention; that the *conjunction copulative, as well*, contains a transfer of the *whole Continent of America* to the Spaniards; or that, though the *letter of the Convention does not go minutely* to the present case, yet the *spirit and the principle* of the Convention immediately and most powerfully apply to cede the *whole of America*, both North and South, to Spain. This however is the task which this *Spanish Emissary* has engaged to execute. The extreme absurdity of such propositions,

positions, and the evident impossibility of deducing any thing like a rational conclusion from such ridiculous premisses, might well excuse me from drawing them out of the contemptuous oblivion into which they probably are already fallen. My observation on the policy of faction has however convinced me, that, to treat with a disdainful silence the effusions of falsehood or of malice, is, in truth, to serve the very purpose for which they are intended. The fact which is not contradicted, is immediately proclaimed to be invincible; and an argument, the absurdity of which made a reply appear unnecessary, is directly vaunted to be unanswerable. To prevent this, and to shew the world that, the more this business is sifted to the bottom, the more evidently the propriety of the measures adopted on the present occasion by government must appear, I will pass over the contemptible reasoning of this writer, and will proceed to shew that, by the convention of 1786, no further claim of the Court of Spain was recognized by this country, than had been acknowledged by us in the Definitive Treaty of 1783.

The reader will recollect, that, in my Thirteenth Letter, I stated that Mr. Fox, not thinking it incumbent on him to carry into effect Lord Grantham's engagement to give up the Mosquito shore to the Spaniards, preferred leaving it as an unsettled point, and as a good ground of quarrel, whenever this country or Spain might think a favourable opportunity presented itself. This great Statesman may possibly conceive himself justifiable for having acted thus: though, till he gives a better reason for it than any of his friends have hitherto done, the public will perhaps be inclined to think it a measure of no very

extraordinary political wisdom. To avow, on the Dutch business, as a Secretary of State, the weakness of this country to be such, as to make the further prosecution of a war impracticable, at the moment when a negotiation for a peace was beginning; and to leave a subject of endless disquiet and complaint, to serve as a ground of quarrel, and as the seed of a future war, when to his management had been left the charge of concluding a definitive and lasting peace:---These are points, by which the ministerial character of that gentleman may be judged; and from which undoubtedly both the present age and posterity will draw unerring conclusions. The first of these has already been often discussed. The effect of the latter may perhaps not be so generally known. In truth, its success was fully equal to the expectations which that great Statesman had formed of it. The peace was hardly concluded, before the *ground of quarrel* he had left us began to operate. The contraband trade of the English flourished with redoubled vigour. The smugglers, whom Mr. Fox refused to abandon, and whom, on the contrary, he protected by refusing to give up the district from which they carried on their illicit traffic, increased in numbers and audacity. With them increased the grievance and the complaints of the Spaniards. They felt acutely the intolerable effects of a lawless association, formed, in the midst of their richest and most valuable territories, for the almost exclusive purpose of exercising a contraband trade; they remonstrated against a continuance of such illicit practices; and they even declared their settled purpose of appealing again to arms, to vindicate their rights, and to prevent a continuance of the unlawful commerce exercised by the English settlers.

Happily

Happily for England, the Councils which dictated the preservation of a ground of quarrel when a negotiation for a peace was depending, no longer directed the affairs of this kingdom. His Majesty had now appointed an Administration, who thought the national honour was bound by the engagement of a Secretary of State ; who, instead of preserving, wished to obviate every ground of dispute between England and Spain ; but who, instead of revealing the weakness either of our situation or our right, endeavoured to avail themselves of every favourable circumstance, to obtain as much for this country, as either justice or a regard for peace could warrant them in insisting upon. The engagement of Lord Grantham had, beyond a question, afforded the Spaniards a fair ground to insist on the cession of the Mosquito shore. The interests of that kingdom compelled them to avail themselves of this circumstance, as the only means of preserving the commerce, and perhaps the sovereignty of their Mexican possessions. For this, they were ready to proceed to any extremities ; and we know that, early in the year 1784, they actually took such measures, as denoted a settled intention of enforcing their demand by arms, should a peaceable line of negotiation prove unsuccessful. Our Ministers, therefore, on whom the task of perfecting the Treaty of Peace with Spain had fallen, in consequence of the policy of their predecessors, made no scruple of proposing to the Court of Spain a fair discussion of a question, which furnished a perpetual object of jealousy between the two countries, and which required a determination, not merely to obtain a momentary degree of quiet, but

but effectually to prevent the causes of jealousy in future. As England was, *de facto*, in possession of the Mosquito shore, our Ministers demanded a proper compensation for it on the part of Spain; and they declared, that they would accept, as such, a farther extent of territory in the province of Yucatan, together with some additional privileges for the English settlers in that country, and some settled regulations for their security. To this the Spanish Ministers replied, that, their object being to get rid of foreign establishments on the Mosquito Coast, and to acquire that which they conceived we were bound in good faith not to detain from them, they were ready, on these terms, to go beyond the line which had been drawn on the Coast of Yucatan, and to agree to the terms of the English Ministry.

These were the grounds on which the convention of 1786 was founded; by which it will appear, *that nothing but the surrender of the Mosquito shore, and that only*, was in the contemplation of either England or Spain---that the *exclusive* right of the latter, or any right at all, except to her Mexican possessions, was not brought forward, or in any manner agitated, by either party; and that the Duke of Leeds, by signing this convention, secured to us a continuance of peace, maintained our national good faith and honor, and obtained for us a valuable and undisputed benefit, by the surrender of what we could not keep without a violation of positive engagements, and which, if kept, whilst it was productive of only doubtful advantages to the nation, exposed us to perpetual jealousies, and to the hazard of being involved in an unjust and consequently a disgraceful war.

On

On these grounds, and these alone, the Convention was founded. By them, therefore, the provisions contained in it must be construed.

We accordingly find the two Kings expressing their mutual desire, to consolidate the friendship subsisting between them and their kingdoms, and to prevent every occasion of future misunderstanding; and for this purpose stating, that they had thought proper to settle, by a new convention, the points which might be productive of such inconvenience. What these points were I have already shewn. They were the cession of the Mosquito Shore, for which Lord Grantham had engaged, and the prevention of the contraband trade carried on by the English settlers there. For this purpose, his Majesty agreed that his subjects should evacuate the Mosquito Shore, as well as the Continent in general, and the islands adjacent; that is, as I before observed, the district lying between the Mosquito Shore and the boundary of the Honduras district, with a variety of islands dependent upon it, which, by the definitive treaty of peace, the English had agreed to abandon.

Should the *Advocate of the Cour' of Spain*, who exercises that honourable function by publishing in the General Advertiser, deny the truth of this interpretation, I refer him to his *ostensible colleague*, the *Spanish Advocate ex officio*, the Marquis Del Campo; who negotiated this convention on the part of his Catholic Majesty. Let that Ambassador be asked whether my interpretation, or whether any other be the truth; let him say, whether any thing more than the Mosquito Shore, and the Continent lying between that and the boundary marked out for the English settlers on
the

the Honduras coast, was in his contemplation when this treaty was made. I know the personal honour of that Minister, and confidently rest the question on the answer he shall give. There cannot indeed be a more convincing proof of the justice of my interpretation, than the total silence both of the Marquis Del Campo, and of the Court he represents on this subject, from the first moment of the present negotiation. They were too well aware of the futility of such an argument; even to think of bringing it forward. So absurd a pretension was left to the *English Advocate of the Court of Spain*, who, risking no character by an over-officious zeal to serve a foreign Court, ventured to obtrude on the publick a pretension, which that court itself would have blushed to advance.

Let the publick now determine, whether, by the Convention of 1786, the *whole* Continent of America was ceded to Spain; and whether the territory at Nootka was thereby acknowledged to be the property of that Power.

Permit me, Sir, to offer only one observation more, on the mode of reasoning adopted by this writer, before I proceed to investigate the other charges which he has thought proper to bring forward on this occasion.

It cannot be forgotten, that, in his comparison between the affairs of Falkland's Islands and Nootka Sound, the *Spanish Emissary* founded his argument on the following assertion---viz. "In the affair of Falkland's Islands we certainly were the first aggressors; in the affair of Nootka, Spain is confessedly the aggressor." These are his own words. I wish to ask this ingenious writer, how he is able to reconcile this assertion with that

he has since made, viz. *that, by the convention of 1786, we acknowledged the territory at Nootka Sound to belong to the Court of Spain?* Were this true, the former proposition must be false; for, if we had relinquished all right to Nootka, the Spaniards, by ejecting the British settlers, could not have been guilty of an aggression; the law of nations, as well as common sense and daily usage, giving permission to every nation, as well as to every individual, to prevent the encroachment of those, who have no right to interfere with what is their known and acknowledged property. In such a case, it would even have been incumbent on us to have given a satisfaction to Spain, instead of insisting upon one from her; and our question of Right, which this acute reasoner says we ought to have coupled with our demand of satisfaction, would not have existed. If, on the other hand, he shall persist in saying, that the Spaniards were the aggressors at Nootka, his second proposition must fall to the ground; for, to constitute their aggression, our right to settle there must previously be admitted: and, in that case, it is impossible that we could, by the convention of 1786, have acknowledged the territory at Nootka to belong to Spain.

To the choice of these two propositions, and to get out of a difficulty perfectly subversive of his whole argument, I leave the *Spanish Advocate*. The impartial public will no doubt treat, with a merited indignation and contempt, the abortive though mischievous arts he has presumed to employ, for the purpose of warping their judgments, and leading them into an erroneous conclusion; on a matter of as high importance, with respect both to our interests and our honour, as ever en-

engaged the Councils, or called for the unanimous exertions of England.

V E R U S.

N U M B E R X V I I .

S I R,

TH E Advocate of the Court of Spain, after trying to evince the injustice of our proceedings in the present business, goes on with his attempt to prove that, whether our right be good or bad, a settlement at Nootka, or on any part of the North West Coast of America, is improper and disgraceful to this country, as being the basis of a contraband trade with the Spanish Colonies, and as being an encroachment on the territories, which *his patron Count Florida Blanca* has thought proper, in his Royal Master's name, to assert to be the sole property of Spain.

How far either of these propositions is founded, I now proceed to shew. My present Letter will be confined to the first of these assertions, viz. That a British Settlement at Nootka is improper and disgraceful to this country, as being the basis of a contraband trade with the Spanish Colonies. This the writer undertakes to prove, by a series of arguments, well worthy the attention of the publick, as shewing the true character both of his *Emissary*, and of his *Employers*, and the anxiety with which they endeavour to catch at every circumstance, which can be converted

vested into an engine of mischief to this country, or be made a means of affecting its credit and prosperity. Unfortunately, however, for the very *creditable* cause in which this gentleman is engaged, the greater part of his arguments are, by some strange accident, tolerably answered by the passages immediately following them. This accident is the more extraordinary, as it undoubtedly was not the effect of design. 't cannot be supposed, that he, who attempts to stab his country, would willingly apply a balm to the wound. We must therefore attribute this circumstance to the nature of the cause itself, in which this Writer is employed; which, from its radical absurdity, induces involuntary contradictions; and of which the auxiliary arguments, congenial to the system which gives them birth, become parricides of the assertion from which they spring.

As a proof of this, I bring the *ground* or *basis* of the charge which the Spanish Emissary has thought proper to advance against Mr. Pitt; on which he founds the *decent* accusation of that Minister having *dared* to avow a smuggling trade by his conduct on the Nootka business. This *ground* is no other than the assertion attributed to the Lord Chancellor---“ that it was necessary to
 “ relinquish the Mosquito shore, because it was
 “ the depôt of a contraband trade against the
 “ commercial and known laws of Spain, which
 “ no British Minister could avow in the face of
 “ Parliament, or in negotiation with any foreign
 “ power whatsoever.”

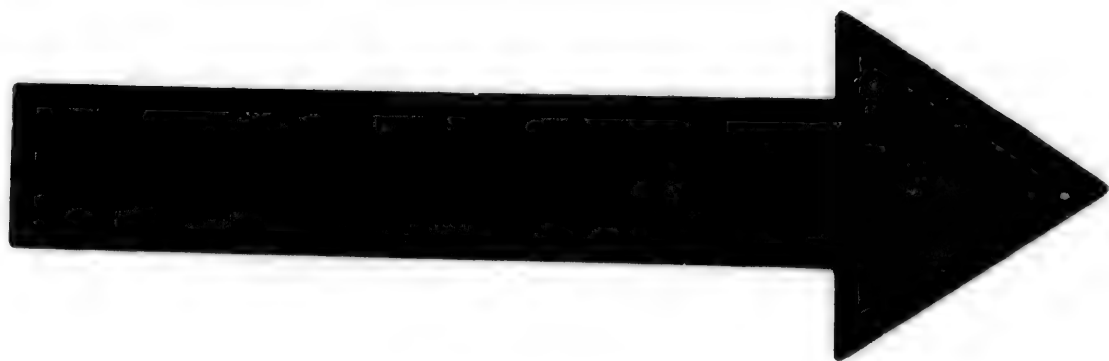
This *ground of accusation* the publick will readily perceive is, in itself, the most compleat answer to all the abuse which the *Spanish Emissary*

throws upon the present Administration, for having given up the Mosquito shore by the convention of 1786. If we analyse the proposition, it is merely this. A British Minister cannot maintain a trade directly and positively contraband.—The Mosquito settlement was the depôt of such a trade---a British minister therefore could not maintain it. If this be true, the cession of the Mosquito shore was indispensably necessary. If it were necessary, the abuse thrown upon those who ceded it, is worthy only of the *Spanish Advocate*.

The assertion of the Lord Chancellor which is thus brought as a *ground of accusation*, though it fails as to one point, may possibly however apply to another; it may, as this writer insists, be an unanswerable argument against the formation of an establishment at Nootka. For, says he, a contraband trade is carried on with the Spaniards on the other side of Cape Horn; and must not this trade be greatly increased by such a settlement? and does not a similar contraband trade flourish between our West India Islands and the Eastern Coast of Spanish America, and would not the same opportunities produce the effects on the opposite shore of the Continent? To this I answer---It may be true, that a contraband trade is carried on with the Spaniards on the other side of Cape Horn, and between our West India Islands and the Eastern Coasts of Spanish America; but it does not follow, that such a trade must be greatly increased by a settlement at Nootka; or, if such a consequence were in a degree probable, that it would be a reason for not maintaining a British settlement there. I wish, in my turn, to ask this learned geographer, whether

ther he is of opinion that, because a contraband trade is carried on between the Coasts of Suffex and Normandy, and between Cornwall and the Isle of Guernsey, such a trade would be greatly increased by a settlement made at Tripoli, or in the Canary Islands---in the Azores, or on the coast of Morocco? He probably will laugh at the absurdity of such a question, and will assure me that such an apprehension would be in the highest degree ridiculous. I admit the question to be absurd, and the apprehension to be ridiculous; *yet are they precisely his own question and his own apprehension.* The four places I have mentioned are each of them twenty degrees, or twelve hundred miles, from the coast of England; a distance surely sufficient to obviate every reasonable fear of a smuggling trade being carried on, at least to any considerable extent between them. The distance between Nootka Sound, and the most northerly part of the Western coast of America occupied by the Spaniards, is *precisely the same*; the danger of a contraband trade being carried on between them is therefore at least not greater than the former; though, as the four places I have mentioned are fruitful, and productive of various commodities, extremely acceptable in England, and liable to heavy duties, the danger of a contraband trade between them and our coast must be much greater, than it can be between the Spanish West American settlements and Nootka, which, so far as we know, produces nothing very valuable, except furs, which cannot be in much estimation in a hot country, and of course cannot be a tempting or lucrative object to the Spanish smuggler.

So much for the probability of a contraband
trade



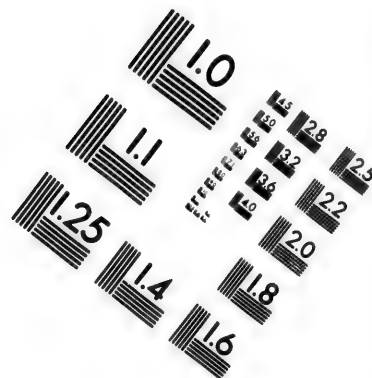
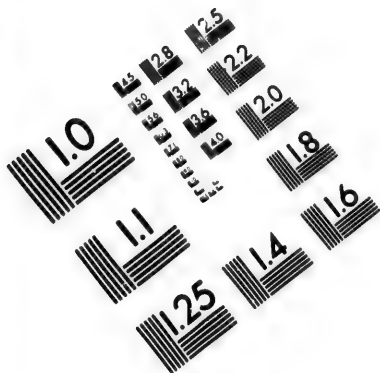
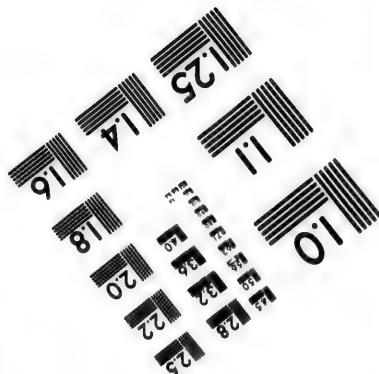
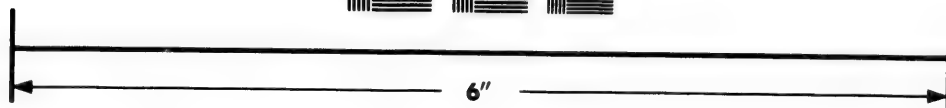
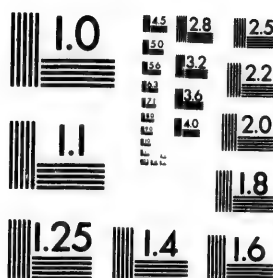
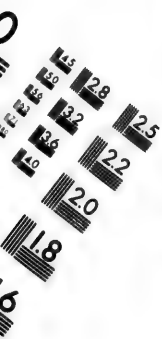


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trade with the Spanish Colonies being increased by a British settlement at Nootka. I have said, that, were such a consequence *in a degree probable*, it would not be a reason for not maintaining a British settlement there. *The Spanish Advocate*, who grounds his charge against Mr. Pitt on the basis of his having encouraged a contraband trade by avowing such a settlement, *is of the same opinion*. He even goes much farther than I should ever think of going, and to a point assuredly unjustifiable; for he extends my doctrine to the case of a settlement, *actually the depot of a contraband trade, against the commercial and known laws of Spain*. I have no doubt but that this ingenious writer, who already appears (from his two last publications) to be extremely sore, and to wince under the force of my arguments, will exclaim against such an assertion, and appeal very earnestly against my want of candour. As my purpose in addressing the publick is not that of litigating *such* questions with *such* an adversary, but merely to shew the fallacious arts of the enemies nurtured in our own bosom, and to counteract the poison they endeavour to instill into the minds of my fellow-citizens, I shall neither condescend to any such altercation with him, nor adopt any other mode for proving my assertion, than that of producing his own words, as published in the General Advertiser of Wednesday the 1st of September.

In that publication, the writer, having quoted the Lord Chancellor's assertion already mentioned, as the *basis* of his charge against Mr. Pitt, proceeds in these words---

“ We

" We do not hold this argument to be quite
 " satisfactory, however specious a shew it may
 " bear of liberal honesty. It is to be feared, that
 " as long as we continue to enjoy our present su-
 " periority in manufactures, such a principle
 " would nearly go the length of restricting us
 " from having any settlement conterminous with
 " any other European colony. We are not
 " guarantees of the commerce and revenues of
 " rival nations against our own subjects. Every
 " State must be the guardian of its own laws."

I thank the writer for this doctrine, and I
 adopt it, as confirming my arguments and deci-
 dedly overturning his own. There is not a
 doubt but that, by this mode of reasoning, our
 settlement at Nootka was highly proper, and
 that the present Administration acted strictly well
 in avowing it. Were the reverse the truth, all
 our West Indies Islands, all our possessions in
 Canada, every establishment hereafter to be
 made either on the North American Coast, or
 in the Islands in the South Sea, would be illegal,
 and we should be under the obligation of giving
 them up. Upon the same principle, we should
 be bound to surrender to France all those parts
 of the English coast, from which a contraband
 trade with her dominions is carried on; and
 France, in return, would be under an equal ob-
 ligation to give up to us the corresponding parts
 of her dominions. A similar reciprocity would
 exist between England and Holland; and the
 principle would equally apply to England and
 America, as a contraband trade is in all proba-
 bility carried on between those countries. The
 evident absurdity of such propositions is too
 glaring

glaring to admit of a comment; and yet all this follows directly from the argument of the *Spanish Advocate* himself.

In this instance, however, that *Emissary* is more than ordinarily unfortunate; as it happens, that the conduct of Administration with regard to the Settlement at Nootka, and the assertion of the Lord Chancellor in the House of Peers, are both strictly and compleatly right. A Settlement formed for national and commercial purposes is an object to be maintained, although *incidentally* it may become the means of exercising a smuggling trade with other countries: a Settlement made for the *express purpose* of carrying on a contraband trade, and from which such a trade is carried on to such an extent as to manifest that express purpose, is disgraceful to the national honour, and ought not to be supported either in Parliament or in negotiation. It follows therefore that, on the first of these principles, the conduct of Administration in avowing the Settlement at Nootka was proper and deserving of national support; and on the second it is equally clear, that the cession of the Mosquito Shore was a measure founded in justice, and a regard to the honour of this country. In both these instances, therefore, his Majesty's present Ministers acted well, and in a manner which proved them to be deserving of the confidence reposed in them by their Sovereign and the publick. And this undeniable consequence results, *directly* and *immediately* from the argument of the *Spanish Advocate* himself. What his employers may think of this circumstance, is a matter for their and his consideration. To themselves, therefore, I leave it

it to be settled; as I also do to the publick to determine, whether a sufficient answer has been given to this *Spanish Emissary's* daring accusation.

V E R U S.

N U M B E R X V I I I .

S I R,

THE fairest way of proving that our Settlement at Nootka cannot be deemed an Incroachment on the Territories of Spain, will be to consider the Spanish Declaration or Manifesto of the 4th of June, which that Court has, with a considerable diligence, taken care to disperse, both in this country, and in the different Courts of Europe, with a view undoubtedly to influence the opinions of men in its favor, and to make an appearance of having something like a ground for its violent proceeding towards England. A discussion of this sort forms indeed a part of my original plan; as, on this Manifesto, the *Spanish Advocate* founds a considerable portion of his fallacious reasoning.

The Spanish Court begins with asserting, that, by all the Treaties made between Spain and the other European powers, particularly with England, during a course of more than two hundred years, the exclusive navigation, commerce and property of the West Indies has been secured to her; an assertion positively untrue in the

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general sense of the words here used. The exclusive Navigation, Commerce, and Property of the West-Indies (that is, I suppose, of America) never was secured to Spain. If, however, it be meant by this passage to assert, that this security was limited to the *Spanish possessions* in America, the assertion is certainly true; and it is also true, that the *English American possessions* were secured equally, and by the very same instrument, namely, the Treaty of 1667. This assertion, therefore, proves nothing in favor of the present Spanish claim; nor can even an inference of that sort be drawn from it, unless a proof shall be advanced, that, in the possessions so secured to Spain, the territory of Nootka was included. If the Spaniards can prove this fact, we certainly cannot have a better right to Nootka, than we have to Peru or Mexico; if they cannot, some other reason must be assigned, before this country can admit such a conclusion.

Apparently sensible of this truth, the Court of Spain proceeds to inform the world, that, by the 8th Article of the Treaty of Utrecht (subscribed by almost all the powers of Europe) England and Spain declared it to have been established by common consent, and as a principal and fundamental rule, that the navigation and exercise of commerce in the Spanish West-Indies, should subsist in the same state it was in the time of his Catholic Majesty Charles II. and that this rule should in future be observed inviolably, and without contradiction; that Spain, on her part, should never grant to any other nation, either a permission, or the means of navigating or trading in her American possessions; and that she should never sell, cede, exchange, or otherwise engage

to

to any other nation, any of her dominions or possessions there; that, in order to preserve entire the Spanish dominion in America, England voluntarily offered that Court her powerful assistance, to re-establish her American possessions on the footing abovementioned.

It may be proper to observe, that the real words of this engagement are, " That the antient limits of the Spanish dominions, in the West-Indies, be restored and settled, as they stood in the time of King Charles II." Admitting therefore this engagement, it evidently cannot extend beyond those antient limits, and cannot be construed to apply to more modern discoveries. The Court of Spain, of course, in order to avail herself of the Treaty she thus quotes, must necessarily prove what was the extent of those limits, and that they actually covered the Nootka Territory. This is indispensable, as otherwise the engagement cannot possibly apply. Aware of this necessity, the Court of Spain endeavours to ascertain these facts, and to demonstrate the extent and nature of the dominions and rights in question. The obvious difficulty of this attempt (at least so far as at all applies to the matter in dispute) plainly appears from the mode of proof she finds herself obliged to adopt. Instead of demonstrating an actual possession of the Western Coast of America by *occupation*, and by an *acknowledged Sovereignty*, which must have been easy, and of which there must have been indisputable and well known evidence, had such a circumstance existed; the Court of Spain satisfies herself with general assertions, and with a mass of vague and undefined claims, unsupported by dates, authorities, or any thing which, either in law or in common

sense, can give them authenticity. With this view, she brings forward, in loose and general terms, and without attempting to particularize any thing, 1st, Authentic Documents ; 2d, Antient and repeated laws ; 3d, Royal Cedulas ; 4th, Particular instruments of Government ; 5th, The laws of Discovery ; 6th, Other formal acts of possession, in the time of King Charles II. 7th, The great extent of her limits, her navigation and dominion on the Continent of America and the adjoining isles and seas in the Pacific Ocean : though of these documents, laws, cedulas, &c. &c. not a single iota is specified, nor is there the smallest ground afforded for judging either of their authenticity, or their applying in any degree to the matter in question. It is indeed perfectly impossible that any instrument or memorial, proving this assertion of the Spaniards, should be in existence ; as will decidedly appear in the course of my present investigation. The reasons of that Court, for thus merely giving a list of instruments which, if they exist, contain nothing upon the subject, will, perhaps, be more evident, than the propriety and decency of such an enumeration ; which appears to be a shallow artifice, to impose upon the general opinion an idea of some evidence, which neither does nor can exist. Such an enumeration is, in fact, the most convincing proof of the futility of the claim which it is brought to support ; for, as the stipulation contained in the Treaty of Utrecht has never been brought in question, and as the only point in agitation is, whether Nootka Sound, and the other places occupied by the English, were or were not the property of his Catholic Majesty, exclusively of the English
or

or of any other nation, the obvious mode of establishing such a claim was by a proof of the occupancy and possession of the Spanish Crown, actually extending to the settlement in question, and that too *antecedently*, to any occupancy or settlement of the English. The proof of such a circumstance must have been simple in its nature, as depending solely on a matter of fact. If proved, of course the right of Spain to the territory in question would have been established, and the only remaining points would have been the insult offered to the British flag, the restitution of the captured vessels, and the indemnification of the parties injured. Instead of this, however, the Spanish Court, aware of the impossibility of establishing such a proposition, takes refuge in general terms, and evades the only point at issue, by recurring to matters totally foreign to the present question, and which the Court of St. James's never attempted to dispute.

The Court of Spain, however, in the next paragraph, endeavours to supply the want of proof by an assertion of great extent. She declares that, in spite of any attempt which may have been made on her American possessions by adventurers or pirates, she has always maintained her possession; and that, with this view, she has employed her ships in coasting, and in renewing the marks of Sovereignty in proper places, by leaving every where indisputable tokens of her dominion along the whole coast, as far as the commencement of the Russian settlements, or, in other words, from Terra del Fuego, in latitude 55 south, to beyond Prince William's Sound, in latitude 61 north; a district comprehending 116 degrees of latitude, the exclusive possession of which

which she insists upon, in the first place on the reason above-stated, and, in the second, on the ground of a transaction which the Manifesto proceeds to relate.

In consequence of information being received within these few years of a contraband trade having been carried on in these seas by some adventurers, the Vice Roy of Peru and Mexico, apprehensive that these new and illegal enterprizes might end in usurpations injurious to Spain, sent out, as it is alledged, frequent expeditions to visit these seas, coasts and islands. Finding in the course of these, that some Russian vessels had attempted to extend their commerce and establishments over part of the Spanish dominion, the Court of Spain immediately complained to the Court of St. Petersburg of this violation, recommending, at the same time, that their navigators should abstain from touching at any part of America, which the Spaniards had been the first possessors, (and which they stated to extend beyond Prince William's Sound) in order to prevent disputes, and to preserve the existing harmony and friendship between the two Courts. To this the Court of Russia answered, that she had long since issued orders to her navigators at Kamschatka not to establish themselves in any place belonging to any other power, which orders she supposed had been obeyed ; were the case however, otherwise, and should Spain meet any Russians in any part of America belonging to her, the Empress desired the King of Spain would prevent such a practice in an amicable manner.

To this answer the Spaniards replied, that, though the Court of Madrid was desirous of terminating amicably every transaction of this nature,
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she could not be answerable for the consequences, should any of her officers in those latitudes, take the measures to prevent such establishments on the Spanish Territories, which they were justified in doing by Law, and by their general instructions, founded on treaties.

Thus, according to the Spanish account, ended the transaction; an event certainly of small importance either to this country or to the present question; as it proves nothing more, than that Spain asserted an extravagant claim, which Russia did not chuse to dispute. For it does not prove that the claim of Spain was founded; not a single fact tending that way having been adduced; nor does it afford an argument why England, having in fact the rights of occupancy and possession at Nootka, and at other places on the western coast of America, should imitate the conduct of Russia, who asserted no claim of any kind to the places visited by her subjects. The public will also perceive, that this transaction falls very short of establishing the exclusive right of Spain to the whole coast, from Terra del Fuogo to Prince William's Sound; as, admitting the fact that she actually did possess beyond a dispute both these places (which it is most certain she did not) it cannot follow that the whole intermediate space was her's also. There is no principle either of national law or of common sense which can be brought in favour of a claim to the possession of a whole continent, from the possession of any component part of it: the necessary consequence being that absurdity, which I fully discussed in a former Letter, namely, that the First possession of any part of America must, in such case, induce a right to the Whole of the continent in every

every direction ; a proposition too ridiculous ever to become a matter of serious discussion. The manifesto of the Court of Spain has not, therefore, yet proved the only point in question, the prior occupancy and possession of the Nootka territory. Aware, however, of the weak ground on which she had stated her pretensions, that Court proceeds to adduce another assertion apparently more decisive of the present question, but equally vague and unsupported by evidence. She declares that she was ignorant of any establishments having been made or attempted by the English on the north west coast of America, till Mr. Martinez, with a Spanish squadron, made the usual visit, for the purpose of conveying *succours* to the port of St. Laurent, that is, Nootka, where he and other Spanish subjects had frequently been, to repeat the *Acts of Possession* relative to the *antient limits* and discoveries.

The conveyance of succours undoubtedly implies a pre-existing settlement---a repetition of acts of possession is a proof of possession having been taken---and the application of those acts of possession to antient limits is a presumption of those limits having been long known. On these three grounds the question may be securely rested; it being certain that, no such settlement having been made, no succours could have been carried to it by M. Martinez---that no possession of Nootka having been taken by the Spaniards, acts of possession could not have been frequently repeated by them---and that the limits of the North West Coast of America, between Cape Blanco in latitude 43, and some harbours in latitude 55, having not been ascertained by the Spaniards, the application of repeated acts of possession

possession could never have been made to them.

That Nootka and the adjacent territory could not have been an antient possession of Spain, and that even the whole of the North West Coast of America, beyond the latitude of 43, was unknown to the Spaniards previous to the year 1757, appears beyond a doubt from their own authority, and from the evidence they themselves have given us, by a celebrated publication of their own, intituled, "Noticia de California," a book of high authority, printed in that year at Madrid, dedicated to the King of Spain, and published with the approbation of the Council of the Indies and with all formal licenses. The author, whose avowed purpose, and whose express object it was to state the Spanish pretensions, and to describe the nature and extent of their possessions in that part of the world, concludes his work with these memorable words;---"To
 " the question, what seas, what coasts, what
 " rivers, lakes, provinces, nations and people
 " are there in North America, from the farthest
 " extremity at California, &c. to the North, for
 " a space of fifty degrees? *i. e.* in all the great
 " space of America, *which in our map we inclose*
 " *with a dotted line?* (beginning on the West
 " Coast, about the latitude of 43 North) except
 " what is known on the side of our Atlantic
 " ocean, and the little which the Russian naviga-
 " tions have ascertained to us on the side of the
 " South Sea? *I answer readily, in one word, IG-*
 " **NORO.---NESCIO.---I KNOW NOT.**

This is a positive proof, that the Spaniards were totally unacquainted with any part of this coast beyond the latitude of 43° north, previous to
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the year 1757, and it also completely proves the impossibility of the circumstance abovementioned, viz. the assertion of their exclusive claim to, and including, Prince William's Sound; as this author expressly declares his total ignorance of even the existence of such a place, except on the authority of Russian navigators, whom consequently he admits, in contra-distinction to the Spaniards, to have been the discoverers of it.

There is also a negative proof, nearly as strong, that they did not know, and certainly that they did not possess any part of that district between the 43d and 55th degrees of north latitude, previous to the transaction which occasioned the present dispute. In the year 1775, the Spaniards, as we are told, visited and examined several harbours between the latitudes of 55° and 58° north; but they did not visit any part of the coast between 43° and 55° north latitude, between which Nootka and the other places occupied by the English are situated, nor have they ever directly asserted such a circumstance. The whole account ever given of these parts was that of our countryman Captain Cook, in the narrative of his voyage in the year 1778. The discovery and first possession of Nootka and the adjacent coast by this great circum-navigator was publickly announced by him to the world; and remained uncontradicted, until the Spaniards, for the first time, in the present year, thought proper to justify the violence offered to his Majesty's subjects by a bold assertion, unfounded in fact, and unsupported by evidence.

As a corroborating proof of the truth of this statement, it further appears, from Capt. Mears's Narrative,

Narrative, that, when he first visited that coast, no establishment of the Spaniards, or of any other European nation, existed there ; that no building was erected, or any other proof of possession, or of Sovereignty was to be seen ; that he actually purchased from the natives the tract of country on which he raised a fort, and hoisted the British flag ; that he and his people occupied this territory, till the month of May 1789, without interruption, and without being visited by the Spaniards. From all these circumstances it evidently results,

1st. That the limits of the north-west coast of America, between the latitude of 43° and 55° had not been ascertained by the Spaniards.

2d. That Nootka, which lies within these limits, was not a discovery, still less a possession of the Spaniards.

3d. That they consequently could not have repeated their acts of possession there.

And 4thly. That the visit of M. Martinez to that place could not have been for the purpose of carrying succours ; the application of that phrase to a non-existing settlement implying an absurdity.

Such then are the grounds, on which the Court of Spain finds herself obliged to rest her pretensions, and to justify her conduct to the other powers of Europe. On these, however, she seems anxious to repel an idea, which might naturally arise from the exclusive nature of her claim to the navigation, territory and commerce of the Western Coast of America, and of the Pacific and South Seas ; namely---*that her claim extended to the whole of that ocean.* How any limit can be

given to an exclusive claim---what portion of this vast tract of sea she calls her own --and what part of it she leaves to others---these are questions which she seems willing not to agitate in words, while the evident tendency of her proceedings appears to leave no doubt, of her arrogating an exclusive dominion from the coast of Mexico to the Phillippine Islands.

The remainder of this Manifesto contains a kind of narrative of what had passed between the Courts of London and Madrid, from the first official paper delivered by the Marquis del Campo to the Duke of Leeds, to the communication made on the 16th of May by Mr. Merry to Count Florida Blanca ; intermingled with various observations tending to prove the justice, the moderation, the pacific sentiments and the veracity of the court of Spain, and to influence other powers to consider the conduct of his Majesty, as founded on injustice and a disregard to treaties.

From this candid investigation of the Spanish Manifesto, let the people of England determine on the validity of the case made out by the Court of Spain ; let them fairly decide upon the ground taken by that power, to dispute the right of his Majesty's subjects to visit and to settle in the places in question. That the Spanish Ministers have already in a great measure given up this point, by the Declaration and Counter Declaration of the 24th of July, I have before shewn. It remains now to be seen, whether they will, in spite of the weakness of their case, and after that dereliction, dispute the undoubted right of this country to the territory of Nootka. A few days will probably decide this important question.

I look

I look with painful anxiety for the determination of that and the other objects of the depending negotiation ; deprecating indeed the dreadful alternative of appealing to the sword for the vindication of our rights ; yet satisfied of the justice of our cause, and confidently looking forward to an honourable and happy termination of a contest, originating in the violent proceedings and unfounded claims of the court of Spain.

V E R U S.

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